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ARCHIVES OF MARYLAND //

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PROCEEDINGS AND ACTS

OF THE

GENERAL ASSEMBLY OF MARYLAND

1771 to June-July, 1773

(31)

PUBLISHED BY AUTHORITY OF THE STATE UNDER THE DIRECTION OF THE  
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RAPHAEL SEMMES

*Editor*



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## ARCHIVES OF MARYLAND.

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## LETTER OF TRANSMITTAL

Baltimore, Dec. 1, 1946

To The Maryland Historical Society

GENTLEMEN:

The volume of the *Archives of Maryland* which is now presented contains the *Proceedings and Acts of the General Assembly of Maryland* for October 2–November 30, 1771, the only session held in that year, and also for the session held from June 15 to July 3, in 1773, which, however, was not the only meeting of the Assembly in that year. No session of the General Assembly was held in 1772.

This is the sixty-third volume of the *Archives of Maryland* and the thirty-first volume dealing with Assembly affairs. The text (pp. 3-420) was printed directly from photostats of the original manuscripts at the Hall of Records, in Annapolis.

The last volume of the *Archives* contains, among other Assembly proceedings, those for the period from November 5 to November 21, 1770, when Governor Eden prorogued the General Assembly. It was shortly afterwards that the Governor issued two proclamations, one dated November 24 and the other November 26. As was stated in the introduction of the last volume, the Assembly during the fall of 1770 failed to reenact the Act of 1763 regarding the staple of tobacco and officers' fees upon which depended the economic stability of the colony (*Arch. Md.* Vol. LXII, xxix-xxxi). Accordingly, in order that the province should not be without some such law Eden issued his Proclamation of November 26, 1770, prohibiting any officer from receiving any greater fees than allowed by the Act of 1763. The Proclamation of November 24, 1770, regulated the fees that could be charged by the Judges and Registers of the Land Office (For Proclamation of Nov. 26, see pp. 109-110; and for Proclamation of Nov. 24, see p. 111).

It was particularly Eden's Proclamation of November 26, 1770, that aroused opposition among the colonists ("Life and Administration of Sir Robert Eden," by Bernard C. Steiner, in *Johns Hopkins University Studies in Historical and Political Science*, Series XVI, pp. 397-402). Another question which agitated the people of Maryland at this time was the pay of the Anglican clergy (*ibid.* pp. 376; 392-398; 403-404).

When the General Assembly met on October 2, 1771, it had been almost a year since the last session, which Governor Eden had prorogued on November



21, 1770, to meet again on December 11, 1770 (*Arch. Md.* LXIII, 371, 432). Then on December 6, 1770, the Governor had further prorogued the Assembly until December 22, 1770 (*Maryland Gazette*, Dec. 6, 1770). But the General Assembly never convened on that day; prior to that date Eden issued a proclamation dissolving the General Assembly. At the same time the Governor gave notice of a general election for the purpose of electing Delegates of a new Lower House, which, together with the Council, or Upper House, was to meet in Annapolis on February 4, 1771 (*Maryland Gazette*, Dec. 20, 1770). Before that day arrived, Governor Eden prorogued, or postponed, the meeting of the Assembly until October 1, 1771 (*ibid.* Jan. 17, 1771). As there were not enough Delegates in town on that day to constitute a quorum, the Governor prorogued the General Assembly to meet on the following day (*ibid.* Oct. 3, 1771; *Arch. Md.* I, xxvi, xlv). In his address to the Assembly which convened on October 2, 1771, Eden avoided making any reference to his Proclamation of November 26, 1770. This Assembly remained in session until November 30 when the Governor prorogued it to meet again on February 18, 1772 (pp. 74, 237).

In proroguing the General Assembly the Governor expressed his sorrow that the Houses had not considered some of the subjects recommended to their attention at the opening of the session, especially a review of the criminal law. In a separate message to the members of the Lower House Eden said that he regretted that they had failed to reenact any law regulating officers' fees (pp. 236-237).

The session of the General Assembly held during the fall of 1771 was the first and only session of that legislative body whose Delegates had been elected during January, 1771 (*Maryland Gazette*, Jan. 17, 24, 31, Feb. 7, 1771). It was prorogued, as we have seen, on November 30, 1771, to meet on February 18, 1772. It never met on that day, however, as Governor Eden by successive prorogations postponed its convening to June 15, 1773 (*ibid.* Feb. 6, Mar. 12, May 7, Sept. 17, Nov. 5, 1772; Feb. 25, Apr. 22, 1773).

After the end of the Assembly on November 30, 1771, a year and a half elapsed before the General Assembly again convened during June, 1773. It was early in 1773 that articles written by Charles Carroll, of Carrollton, and Daniel Dulany, Jr. began to appear in the *Maryland Gazette*. The former signed his articles as "First Citizen," the latter as "Antilon." While Dulany upheld the Governor's Proclamation of November 26, 1770, Carroll criticized it. This series of articles has been printed in *Correspondence of "First Citizen"—Charles Carroll, of Carrollton, and "Antilon"—Daniel Dulany, Jr. 1773*, by Elihu S. Riley. (See also "Life and Administration of Sir Robert Eden," by

Bernard C. Steiner, in *Johns Hopkins University Studies in Historical and Political Science*, Series XVI, pp. 397-402).

In the dispute over the pay of the Anglican clergy, Samuel Chase, William Paca and the Rev. Jonathan Boucher, Rector of St. Anne's, in Annapolis, played a prominent part ("William Paca, Signer, Governor, Jurist," by Albert Silverman, in *Maryland Historical Magazine*, Vol. XXXVII, 3-5; *History of Maryland*, by Thomas Scharf, Vol. II, 126-127).

Although it was not known in Maryland until December, 26, 1771, Frederick Calvert had died at Naples, Italy, during September, 1771 (*Maryland Gazette*, Dec. 26, 1771; *Acts of the Privy Council, Colonial Series*, 1766-1783, p. 556). This brought about the succession of Henry Harford, Calvert's illegitimate son, as the new Lord Proprietary. Had the death of Frederick Calvert been known sooner in Maryland, the Assembly elected in January, 1771, which met during October-November, 1771, would have been dissolved. However it was not known until about a month after that Assembly had been prorogued. Although the death of Frederick Calvert was reported on December 26, 1771, Governor Eden, as stated above, continued to prorogue the General Assembly elected in January, 1771, to June 15, 1773. When, however, on April 29, 1773, Eden received a new commission from Henry Harford appointing and continuing him Governor, he at once declared the Assembly elected during January, 1771, dissolved and called for the election of a new House of Delegates (*Maryland Gazette*, Apr. 29, 1773). This election was held during May, 1773 (*ibid.* May 20, 27, June 3, 10, 24, 1773).

The result of this election was a victory for those opposed to Governor Eden's policies, especially his Proclamation of November 26, 1770. Even in Annapolis the anti-administration forces won. After the polls were closed, according to an account appearing in the *Maryland Gazette*, on May 20, 1773, a mock funeral was held in that town. Citizens marched to a gallows to which a copy of the hated Proclamation was suspended and then cut down and buried accompanied by a discharge of musketry. For a discussion of this Proclamation and other controversies in Maryland prior to the Revolution, see "The Background of the Revolution in Maryland," by Charles A. Barker, *Yale University Press*, pp. 329-377.

The new General Assembly convened on June 15, 1773, and remained in session a comparatively short time, that is, until July 3 when Governor Eden prorogued it. He gave as his reason for doing this the absence of so many members "and the little Prospect of any further Benefits accruing from a continuance of the Session at this Season . . ." (pp. 333, 390).



The Committee on Publications is indebted to Mrs. Vivian E. Barnes and to Dr. Elizabeth Merritt: to Mrs. Barnes for her help in preparing the volume for the press and to Dr. Merritt for her elaborate index.

The next volume of the *Archives* will contain the *Proceedings and Acts of the General Assembly of Maryland* for the other two sessions held at Annapolis in 1773, that is, the one held from October 13 to October 29, and the other from November 16 to December 23. The *Proceedings and Acts* for the March 23–April 19, 1774, session will also be included in the next volume.

Respectfully submitted,

CHARLES A. BARKER,

J. HALL PLEASANTS,

RAPHAEL SEMMES (*editor*),

*Committee on Publications.*

## INTRODUCTION

### THE GENERAL ASSEMBLY

#### COMPOSITION AND ORGANIZATION

##### THE COUNCIL OR UPPER HOUSE

At the session of the General Assembly held from October 2 to November 30, 1771, Benedict Calvert, Daniel and Walter Dulany, George Steuart, Daniel of St. Thomas Jenifer and George Plater were present at the opening day (p. 3). John Beale Bordley came to the meeting held on October 7 and Colonel Charles Hammond appeared on the following day (p. 8). On October 14 William Fitzhugh put in his appearance (p. 9). William Hayward came to the session held on October 24 and John Ridout to the one held on November 1 (pp. 15, 19). All of these men, with the exception of Daniel of St. Thomas Jenifer and George Plater, who had only recently been made members of the Council, had been present at the sessions of the Assembly held during the fall of 1770. Jenifer and Plater were sworn in as members of his Lordship's Council on September 23, 1771 (*Maryland Gazette*, Sept. 26, 1771). Richard Lee, the other member of the Council, did not appear at the meeting held during October and November of 1771.

Lee, however, was present at the session of the General Assembly held in June and July of 1773 (p. 318), as were all the other men who had attended the meeting during the fall of 1771, with the exception of Charles Hammond, who had died on September 13, 1772 (*Arch. Md.* LXII, xv). Henry Harford, the new Lord Proprietary, under whose regime the Assembly of June-July, 1773, met made no changes in the personnel of these high officials. Robert Eden, who had served as Governor under Frederick Calvert, the former Proprietary, was retained in office (pp. 310, 335; Appendix I), as were all the members of the Council or Upper House.

##### THE LOWER HOUSE

The meeting of the General Assembly which convened on October 2, 1771, was the first session the Assembly whose members of the Lower House, or Delegates, had been elected in January, 1771. The results of this election appear in the *Maryland Gazette* for Jan. 17, 24, 31, Feb. 7, 1771.

At the meeting of the Lower House on October 5, 1771, the Committee of Elections and Privileges submitted their report in which they stated that having inspected the writs directed to the Sheriffs of the different counties for electing Delegates to serve in this General Assembly and in the returns of the said writs found that Messrs. John Reeder, Jr., Thomas Key, William Thomas, and Jeremiah Jordan, Delegates of St. Mary's County, were duly returned (p. 88). All of these men were present at the opening of the session on October 2, 1771,

except Thomas Key who was not present at any of the sessions during the fall of 1771.

The report of the Committee then gave the returns for each of the other counties. Calvert County chose John Weems, Young Parran, Benjamin Mackall, 4th, and Charles Grahame, as its deputies or representatives (p. 88). While the first three were sworn in on October 2, Grahame did not appear until October 8 (pp. 75, 92). In Ann Arundel County Brice Thomas Beale Worthington, Thomas Johnson, Jr., Samuel Chase and John Hammond were duly returned (p. 88). Although Hammond arrived a little late in the day, all these four men were present on October 2 (pp. 75, 78).

Edward Tilghman, Richard Tilghman Earle, Thomas and Solomon Wright were elected for Queen Anne's County (p. 88). Tilghman and Earle were sworn in on October 2. The Wrights did not put in their appearance until the following day (pp. 75, 78-79). Talbot County chose Edward Lloyd, James Lloyd Chamberlaine, Matthew Tilghman and Nicholas Thomas as its representatives (p. 88), and all of them were present at the opening session on October 2 (p. 75).

In Dorchester County William Ennalls, Joseph and William Richardson, and Henry Steele were elected Delegates (pp. 88-89). Steele, the only one of these men absent on October 2, was sworn in five days later (pp. 75, 90). Somerset County's four representatives were Isaac Handy, Littleton Dennis, Levin Gale and John Adams (p. 89). None of them were present on October 2 (pp. 75, 76). Handy appeared on October 3 (pp. 78-79), Dennis on October 7 (p. 90), Gale on October 23 (p. 120), and Adams on October 29, (pp. 131-132). As was the case with Somerset County, none of Kent County's Delegates appeared in time for the opening session (pp. 75, 76). The men who were chosen to represent this county were Thomas Ringgold, Stephen Bordley, Richard Gresham and Robert Buchanan (p. 89). Gresham appeared on October 8 (p. 92), and Buchanan on October 30 (p. 135). Thomas Ringgold did not attend any of the sessions held during the fall of 1771. As Stephen Bordley had died on August 22, a new election was ordered in Kent County to elect his successor. William Ringgold was chosen to take his place (pp. 79, 182; *Maryland Gazette*, Aug. 22, Nov. 7, 1771).

In Worcester County the Delegates elected were Nehemiah Holland, John Purnell Robins, William Allen and Peter Chaille (p. 89). Only Holland was present to represent his county on October 2 (p. 75), the other three were sworn in on October 7 (p. 90). Prince George's County chose Josiah (or Josias) Beall, Robert Tyler, Thomas Contee and Joseph Sim as its Delegates (p. 89). All were present on October 2, except Joseph Sim who put in his appearance on October 8 (pp. 75, 91).

Annapolis, entitled to only two Delegates instead of four as was the case with each of the counties, chose William Paca and John Hall (p. 88), both of whom managed to be present on October 2 (pp. 75, 78).

The Committee of Elections and Privileges was not satisfied with the returns in Baltimore, Cecil and Frederick Counties. In Baltimore County they found that although Samuel Owings, Jr., John Moale, George Ristean and Thomas



Cockey Deye had been elected Delegates all four names had been inserted in one indenture (p. 89).

In order to clear up this matter of a single indenture in Baltimore County, the Lower House ordered that John Robert Hollyday, the Sheriff of that County, should be summoned to come before the House bringing with him "the Polls and the Counter Parts of the Indenture taken at the said Election" (p. 89). When several days later Hollyday appeared before them, the members of the Lower House ordered that he should amend the return of the Delegates for Baltimore County by taking off "the Indenture containing the Names of those Gentlemen annexed to the Writ of Election and annexing instead thereof the several Indentures taken for those Gentlemen." The Baltimore County Sheriff was also admonished by the Speaker of the House for his neglect of duty in not making a proper return (pp. 94-95). All four of Baltimore County's Delegates were present at the opening session on October 2 (p. 76).

In Cecil County the Committee of Elections and Privileges reported that while John Veazy and Benjamin Rumsey were duly returned, two indentures had been returned and signed for the same man, William Baxter (p. 89). As to this election in Cecil County it appears that at a previous meeting of the Lower House on October 3, 1771, one of the Delegates for that County had produced evidence to show that although William Ward had been duly elected to represent that county, the Sheriff by mistake had returned two indentures for William Baxter, another Cecil County deputy, but had failed to return any for Ward. As in the case of the Baltimore County election, the Sheriff of Cecil County, who was Henry Allen, was ordered to appear before the bar of the House in order that this matter might be settled (p. 79). Upon his appearance Sheriff Allen was required "to amend the Return of Delegates for Cecil County by taking off one of the two Indentures for Mr. William Baxter annexed to the Writ of Election and annexing instead thereof one of the two Indentures for Mr. William Ward. Which being done the Sheriff was ordered to withdraw." On October 7 Ward was sworn in as one of Cecil County's Delegates (pp. 90-91). The other three representatives of this county, John Veazy, Benjamin Rumsey and William Baxter had put in their appearance on the opening day of the session (p. 75).

The Committee of Elections and Privileges found that in Frederick County Jonathan Hagar, William Lockett, Charles Beatty and Thomas Sprigg Wootton had been elected Delegates (p. 89). All four of these men were present at the convening of this session on October 2 (p. 76). As to Hagar the Committee reported that he was not "a natural born Subject nor descended from a natural born Subject: That he came into America and was naturalized some Time before the said Election" (p. 89).

On October 8 the Lower House took into consideration the case of Jonathan Hager, in Frederick County, who was represented by counsel. After the Delegates heard what he had to say, the counsel withdrew. Thereupon the House proceeded to have various English Statutes and Maryland Acts and Resolves read, six in all. At the conclusion of this reading, the Speaker put the question whether they considered Hagar "eligible" for membership in the Lower House.

By a very close vote, twenty-four to twenty-three, the House voted that he was not eligible. Hagar was called before the Delegates and told of their decision (pp. 92-93). A new election was ordered in Frederick County to choose a Delegate to serve in place of him (p. 94).

The Hagar case was not based on any personal opposition to him, but was a question of interpreting the law. It appears that provisions of English statutes, which Maryland laws had declared were in force in the province, rendered Hagar, as a naturalized subject, ineligible to sit as a Delegate in the Lower House of the Assembly. This was shown by the action taken by the House of Delegates three days later when a bill was introduced allowing all naturalized subjects the same rights and privileges as natural born subjects (p. 100), which became a law a few days later (p. 107). Re-elected a Delegate from Frederick County, Hagar was sworn in as a member of the Lower House on November 16 (pp. 174-175, 176-177). For a discussion of the Hagar case, see an article entitled "Jonathan Hagar, The Founder of Hagarstown," by Basil Sollers, in *Second Annual Report of the Society for the History of the Germans in Maryland, 1887-1888*, Baltimore, pp. 21-28. As we shall see, Hagar was again elected a member of the new General Assembly which met from June 15 to July 3, 1773.

In England the Naturalization Act passed by the Maryland Assembly (pp. 107, 238) was reported to be a violation of one of the Statutes of the Realm. Apparently no decision was reached on this question prior to the Revolution (*Journal of the Commissioners for Trade and Plantations, from Jan. 1768 to Dec. 1775*, pp. 339-340; Correspondence of Governor Eden, in *Maryland Historical Magazine*, Vol. II, 299, 301-303).

The Committee of Elections and Privileges reported that in Charles County Joseph Hanson Harrison, Josias Hawkins, Francis Ware and William Smallwood had been duly returned as Delegates (p. 88). Harrison and Hawkins were present on October 2, when the General Assembly convened. Smallwood was sworn in on October 4 (pp. 75, 84).

This election in Charles County was disputed by Robert Henly (or Henley) Courts who complained of the "undue Election" of Francis Ware and Josias Hawkins. As Ware had not come to the opening session on October 2, the members of the Lower House ordered that he should be notified to appear before them for a hearing on Courts' petition to be held on October 14 (p. 79). Courts had been a Delegate for Charles County at the session which convened on September 25, 1770 (*Arch. Md. LXII*, xvii).

When this case came up for consideration on October 14, the House moved that the Resolves of the Lower House of June 22, 1768, for preventing charge and expence in elections of members to serve in the General Assembly be read, which was done. Then, after the examination of several witnesses, the Delegates resolved that as both Ware and Hawkins were "guilty of treating" at the recent election in Charles County, their elections were invalid. A new election was ordered in the county to choose two Delegates in their place (pp. 102-103). Apparently at this new election Ware and Hawkins were reelected Delegates for Charles County as we find both men being later sworn in on November 18, 1771, in that capacity (p. 178; *Maryland Gazette*, Nov. 21, 1771).

Many of the Delegates who sat in the Assembly held during 1771 had also been members of the Assemblies which met during 1769 and 1770 (*Arch. Md.* LXII, 37-38, 205-206, 372). As it was a newly elected Lower House, on the opening day of the session, which was October 2, 1771, Benedict Calvert and Walter Dulany, members of the Council, or Upper House, attended by Dr. Upton Scott, Clerk of the Upper House, came to the Coffee House, where the Delegates were assembled. There in the presence of Dulany and Calvert, the new members of the Lower House took "the several Oaths to the Government required by Law, signed the Oath of Abjuration, repeated and signed the Test . . ." (pp. 3, 76).

Thirty-six Delegates were present at the opening session on October 2, or more than was necessary for a quorum which was probably thirty-nine (*Arch. Md.* LXII, xvi).

As a result of the death of Frederick Calvert, the Lord Proprietary on September 4, 1771, the Assembly elected during the winter of 1770-1771 was dissolved. Robert Eden, who continued as Governor of Maryland under the new Proprietary, Henry Harford, arranged for the election of new Delegates (pp. 335, 342, 343-344).

After the new General Assembly convened on June 15, 1773, the Committee of Elections and Privileges brought in their report containing the names of those elected to serve in it as Delegates. In Prince George's County they found that Robert Tyler, Joseph Sim, Thomas Contee and Josias Beall had been duly returned (p. 368). All of these men were present at the opening session on June 15 (pp. 334, 336). Calvert County chose as its representatives Alexander Somerville, William Lyles, Richard Parran and John Weems, Jr. (p. 368). While the first three of these Delegates put in their appearance on June 15 (p. 334), John Weems, Jr. was not sworn in until June 21 (p. 349).

The Delegates for Dorchester County were John and William Ennalls, Thomas White, and William Richardson (p. 368). Only Richardson was present when the General Assembly convened on June 15, 1773 (p. 334). Thomas White appeared for this county on June 16. He is erroneously listed as being returned from Charles County (p. 340). Two days later the Ennalls were sworn in (p. 345). William Ringgold, John Maxwell, Emory Sudler and Robert Buchanan were duly returned in Kent County (p. 368). Although the first three men were present on the opening day (p. 334), Buchanan did not appear until three days later (p. 345).

Those chosen to represent Queen Anne's County were Solomon Wright, Richard Tilghman Earle, John Brown and Turbutt Wright (p. 368). Only the latter was present when the Assembly convened on June 15, 1773 (p. 334). Solomon Wright and John Brown were sworn in on June 17 (p. 342), and, on the following day, Earle appeared (p. 345). William Paca and Mathias Hammond were the choice of the people of Annapolis as their deputies (p. 368). Both of these men were present on the opening day (p. 334). Ann Arundel County was fully represented on June 15 by Samuel Chase, Thomas Johnson, Jr., Brice Thomas Beale Worthington, and John Hall (pp. 334, 368).

As Delegates to represent Baltimore County Charles Ridgely, Thomas



Cockey Deye, Aquila Hall and Walter Tolly, Jr., were elected (p. 368). Only Ridgely and Deye were present at the opening session of the Assembly (p. 334). Tolley was sworn in on June 19 (p. 347), and Hall appeared several days later (p. 363).

For Somerset County Littleton Dennis, Levin Gale, Samuel Wilson and Peter Waters were duly returned (p. 368). None of them were present when the General Assembly first convened (p. 334). On June 21, 1773, Wilson was the first Delegate to appear (p. 349), and on June 23 Waters was sworn in (p. 357). Littleton Dennis and Levin Gale never appeared during this session.

The Delegates for Worcester County were Peter Chaille, William Purnell, John Purnell Robins, and Nehemiah Holland (p. 368). As was the case with Somerset County none of these men managed to be present at the opening session (p. 334). However three of them, Holland, Robins and Purnell showed up on June 21 (p. 349), and Peter Chaille two days later (p. 357). Matthew Tilghman, James Lloyd Chamberlaine, Nicholas Thomas and Edward Lloyd were chosen to represent Talbot County (p. 368). All of these men were present on June 15 (p. 334), except Edward Lloyd, who put in his appearance about a week later (p. 349).

For St. Mary's County John Reeder [Jr.], Philip Key, Richard Barnes and Thomas Bond were duly returned (pp. 368-369). All were present at the beginning of this session (p. 334), except Reeder, who took his seat on June 28 (p. 375). The Delegates for Charles County were Francis Ware, Robert Henly Courts, William Smallwood and Josias Hawkins (p. 369). Only Hawkins was present on June 15 (p. 334). Ware and Courts appeared on the following day (p. 340). Smallwood was not sworn in until June 22 (p. 356).

The people of Cecil County chose as their representatives John Veazy, William Ward, Joseph Gilpin and Stephen Hyland (p. 369), none of whom were present at the opening of the session (p. 334). Ward appeared on June 16 (p. 337), Veazy and Hyland on June 17 (p. 345), and Gilpin on June 19 (p. 347). The Committee of Elections and Privileges listed those who had been returned as Delegates in Frederick County as Thomas Sprigg Wootton, Charles Beatty, Henry Griffith and Jonathan Hagar (p. 369). All four were present when the Assembly convened on June 15 (p. 334).

#### THE SPEAKER

When the Lower House met during November 5-21, 1770, Edward Tilghman, of Queen Anne's County, was chosen as Speaker (*Arch. Md.* LXII, xviii). When the General Assembly convened on October 2, 1771, Tilghman again served in the same capacity (pp. 3, 76). When, however, the Assembly met on June 15, 1773, Matthew Tilghman, of Talbot County, was chosen as the Speaker of the Lower House (309-310, 335).

#### CLERKS OF THE UPPER AND LOWER HOUSES

Upton Scott, who had been Clerk of the Upper House during the meetings of the General Assembly in 1769 and 1770 (*Arch. Md.* LXII, xviii), continued



as such during the sessions held in October–November, 1771, and also during the June–July session of the Assembly in 1773 (pp. 305, 420).

John Duckett was Clerk of the Lower House during the meeting of the General Assembly held in 1771 and also during the June–July, 1773, session (pp. 4-5, 77, 305, 310-311, 336, 420). Duckett had been first chosen as Clerk of the Lower House at the session of the Assembly which convened on September 25, 1770 (*Arch. Md.* LXII, xviii-xix).

#### LOWER HOUSE RULES

When the General Assembly met on October 2, 1771, the Lower House decided that their hours of sitting for the transaction of business should be from nine o'clock in the morning until one o'clock in the afternoon and they so notified the members of the Upper House (pp. 6, 78, 82). At the same session the Upper House sat from ten in the morning until one in the afternoon (p. 6).

The members of the Lower House, which met during June and July of 1773, increased their hours for the transaction of business. They were in session not only from nine to one, but also from three to six in the afternoon (pp. 311, 337, 340).

The Lower House which met during October–November, 1771, and again during June–July, 1773, adopted identical rules that should be observed while the House was in session. These included regulations governing the conduct of Delegates and also the number of readings required for the proper consideration of a bill (pp. 79-80, 337-338).

#### LOWER HOUSE COMMITTEES

Committees were the means by which the Lower House was able to attend to the various matters that came before it (*Arch. Md.* LXII, xix, xx). Just as during previous sessions they were appointed for different purposes.

On October 3, 1771, the Lower House resolved that Delegates who shall be appointed as members of the Committee of Aggrievances shall likewise have "the Character of a Committee for Courts of Justice; and that that (*sic*) Character and the Duty of such Committee be annexed to the said Committee of Aggrievances, as a standing Part of their Duty. . . ." The resolution then went on to define the judicial powers of the members when acting as a Committee for Courts of Justice (pp. 80-81, 82). The Lower House, which met during June and July of 1773, adopted the same resolution (p. 338).

Other committees appointed by the Lower House in 1771 were those on elections and accounts. A committee was also appointed to inspect the public offices and report on the state and condition of them; another was to enquire what laws would expire with the close of the session, while a third was to inspect the office and proceedings of the commissioners for emitting bills of credit (pp. 82-83, 85). Delegates of the Lower House, which met during June and July of 1773, appointed the same committees (p. 339, 344).

In order to enable these various committees to function properly, clerks were appointed to assist them in the performance of their duties. On October 3, the day following the opening of the session in 1771, the Lower House selected Thomas Brooke Hodgkin and William Wright as clerks "to the several Committees." They had to swear not to divulge the secrets of the House or of any committee (pp. 83-84). Hodgkin had acted as committee clerk during the session of the General Assembly held in 1770 (*Arch. Md.* LXII, xx). Sometime later Wright was at his own request discharged from any further attendance as a committee clerk (p. 209).

Other men who were appointed committee clerks were St. George Peale (pp. 84, 85), James Hackman and John Courts Jones (p. 98). About a month later Hackman was excused from any further duties as a committee clerk (p. 144). James Brooks was another man appointed a committee clerk during the session of the Assembly which met during the fall of 1771 (p. 106). He had served as one during the 1769 session of the General Assembly (*Arch. Md.* LXII, xx).

During the session of the Assembly, which met from June 15 to July 3, in 1773, Thomas Brooke Hodgkin, John Courts Jones (pp. 339, 341), St. George Peale, Thomas Maddox and Robert Wright were appointed committee clerks (pp. 351, 353-354). Before the session ended Wright was discharged as a clerk (p. 380).

Sometimes joint committees composed of members of both the Upper and Lower Houses were appointed to consider some important bill. The most important instance of this was when during the session which met in the fall of 1771 such a committee was appointed to consider the bill entitled "An Act for amending the Staple of Tobacco for preventing Frauds in his Majestys Customs and for the Limitation of Officers Fees" (pp. 18, 135-138). The meeting of this joint committee is discussed elsewhere (pp. xxvii-xxxi). Another joint committee appointed during the 1771 session was for the purpose of inspecting "the Office and Proceedings of the Commissioners for emitting Bills of Credit" (pp. 6, 7, 83, 85). A similar joint committee was appointed during the session of the General Assembly which met in June and July of 1773. In all such cases the Upper and Lower Houses would notify each other of their respective appointees to such a committee (pp. 312, 340, 342).

#### CHAPLAINS

As has been pointed out in a previous volume, this is a convenient way of designating the Anglican ministers in Maryland who performed duties similar to the modern chaplain (*Arch. Md.* LXII, xx). On October 3, the day after the Assembly convened in 1771, the Reverend (Jonathan) Boucher was requested by the members of the Lower House to read divine service every morning during the session at quarter past eight (p. 83). Boucher had performed the same duties at the session of the General Assembly which met from September 25 to November 2, in the year 1770 (*Arch. Md.* LXII, xx). There is no record of who acted as chaplain at the meeting of the Assembly in June-July, 1773.

## DOORKEEPERS AND SERJEANTS-AT-ARMS

When the Lower House met on October 2, 1771, Robert Reynolds was appointed doorkeeper and Allen Quynn was made serjeant-at-arms (p. 78). Reynolds had served before as doorkeeper during the session of the Assembly which convened on September 25, 1770 (*Arch. Md.* LXII, xx-xxi). Quynn had only been acting as serjeant-at-arms a short time, when, because of his illness the House appointed William Goldsmith to act in his place (p. 91). By October 12, however, Quynn had recovered and Goldsmith was discharged (p. 101).

Both Reynolds and Quynn continued to serve in the same capacities during the session of the General Assembly which met from June 15 to July 3, 1773 (pp. 337, 340-341). The duties of a serjeant-at-arms are discussed in a previous volume (*Arch. Md.* LXII, xxi).

## PROVINCIAL CONTROVERSIES

## RELATIONS BETWEEN THE GOVERNOR AND GENERAL ASSEMBLY

Addressing the members of a joint meeting of the Upper and Lower Houses when it convened on October 2, 1771, Governor Eden said that he hoped that the time he had chosen for enacting regulations conducive to the welfare of the province was a season "convenient" to their private affairs (pp. 4, 76).

Among the matters needing the attention of the General Assembly, the Governor said, was "the State of the Criminal Law," which he had recommended to the last Assembly (pp. 4, 76-77; *Arch. Md.* LXII, xxvi). Another question which should be taken up was the condition of the public roads. Only by repairing and keeping them in order could the native produce be brought to market (pp. 4, 76-77). Eden assured the members of both houses of his concurrence in every measure tending to promote the interests of the colony and that he would deem himself happy "in proportion to the Prosperity the people of this Province shall derive from my Administration" (pp. 4, 77).

On the afternoon of the same day Walter Dulany and Daniel of St. Thomas Jenifer were appointed by the Upper House a committee to prepare an answer to the Governor's speech. This they did and on the following day assured his Excellency that the matters which he recommended to their consideration would receive "all due Attention" in the course of the session (pp. 4, 5). The message further informed the Governor that as he had already given so many proofs of his desire to promote the interests of the province, they could not doubt the sincerity of his declaration about being happy in proportion to the prosperity of the colonists under his administration (pp. 5, 6). In reply Eden told the members of the upper chamber that he had always observed their deliberations to be guided by the same motives which had governed his own conduct (p. 6).

The Lower House in their reply to the Governor's address promised to take under consideration the matters mentioned in it and that they on their part would seek to promote the welfare of the province (p. 86). Eden at once informed the Delegates that he was pleased with these assurances (p. 88).

After this friendly exchange of messages, the lower chamber on October 9



discussed the Governor's suggestion about the criminal law needing attention. In reply they told him that in their opinion there was no necessity "for going into a Revisal of the whole Criminal Law either Common or Statute Law." However, the Delegates informed Eden that if he would point out to them any particular defects in the laws, they would try to remedy them (pp. 94, 123, 124).

In answer to this message, the Governor said that the reason he wanted a revision of the criminal law was that there was not "any precise, invariable Rule established by which the Extent of the Penal Statutes of England may be ascertained. . . ." Eden added that it was unwise to give colonial judges the power to decide what English penal statutes applied in Maryland on the basis of their being "suitable to the Circumstances of the Country. . . ." The Governor thought that it would be more prudent and expedient after an examination of their propriety and fitness to determine by Act of Assembly what penal statutes should have the force of laws in the colony rather than leave this important decision "to the varying Construction, Descretion, or Opinion of others" (pp. 125-127).

The Lower House, however, did nothing to carry out Eden's wishes and on the closing day of the session the Governor expressed his regret that this had been the case (p. 236).

As to the question of the condition of the public roads to which Eden had also referred to in his opening address to the General Assembly, the Lower House, on October 9, appointed a committee to inquire into what provision was made by statute for the construction and maintenance of public roads and what additional laws may be necessary (p. 94). Apparently the only roads which received attention were those in Baltimore County (pp. 250-251).

In his message to the members of the Lower House on the opening day of the session the Governor said that at the last session of the General Assembly nothing had been done to carry out the Governor of Virginia's wish for a contribution from Maryland in order to defray the expence of erecting and maintaining a lighthouse at Cape Henry. Carrying out the request of the Delegates of the last General Assembly Eden said that he had directed the Maryland Naval Officers to furnish him "an Account of the Tonnage" which he would submit to the present members of the Lower House, as well as a letter from the Speaker of the Virginia House of Burgesses giving a similar account of the tonnage of that province (pp. 4, 77; *Arch. Md.* LXII, xxvi-xxvii).

Although this letter from Virginia was laid before the House on October 4, the Delegates decided to take no action until they had the information from the Maryland Naval Officers before them (pp. 84, 94). This data was contained in two papers which the Governor delivered to the Lower House on October 16, with a message in which he said he was laying before them the amount of tonnage of all vessels "as well foreign as free Bottoms" entered in Maryland the last two years, ships from Virginia excepted. Eden added that he would be glad to do anything he could "to advance the Erection of the proposed Light House on Cape Henry, in which the Trade of Maryland is equally interested with that of her Sister Virginia" (p. 107; for the account of Maryland tonnage, see Appendix II).

Although the Governor had in his address to the Delegates on October 2 requested the establishment of a fund for this purpose, it was not until the session of the Assembly which met in November and December, 1773, that money was finally appropriated for building and maintaining a lighthouse at Cape Henry (pp. 4, 77; *Arch. Md.* LXII, xxvi-xxvii).

As has been pointed out in a previous volume of the *Archives* one of the most important and controversial laws ever enacted by the General Assembly of Maryland was entitled "An Act for amending the Staple of Tobacco, for preventing Frauds in his Majestys Customs, and for the Regulation of Officers Fees." This act, passed in 1763, was important because tobacco was still part of the currency of the province. To prevent changes in its value tobacco was given a fixed specie value in shillings and pence. In some cases money could be paid instead of tobacco at the fixed rate (*Arch. Md.* LXII, xxvii). This act was much discussed during the two sessions of the General Assembly held in 1770. As no agreement could be reached between the upper and lower chambers before the second of these sessions ended on November 21, 1770, the Act of 1763 failed of reenactment (*ibid.* pp. xxix-xxx).

This left the colony without any fixed system of currency. In order to remedy this situation Governor Eden issued a proclamation directing that no officer or officers, except Judges and the Registers of the Land Office, who were subject to other regulations, should ask or receive any greater fees than that provided for in the Act of 1763 regarding the staple of tobacco and officers' fees which the recent Assembly had failed to continue as a law. This proclamation was issued on November 26 five days after the last session of the Assembly ended. Two days before this, or on November 24, an order had been issued in the Lord Proprietary's name regarding the fees that could be charged by Judges and the Registers of the Land Office (*Arch. Md.* LXII, xxix).

Such was the situation when the General Assembly met again on October 2, 1771. On October 11 the Committee of Aggrievances and Courts of Justice reported to the Lower House that the fees charged by several of the officers of the province were excessive and under "no Regulation of any Law of this Province." The fees, it was claimed, were levied by virtue of Governor Eden's proclamation of November 26 (p. 97). When the Clerk of the Council was asked to furnish the Committee of Aggrievances and Courts of Justice with a copy of the records, or minutes, of the Council since the last session of the Assembly relative to the fees of any officers of the colony, Upton Scott, the Clerk, replied that his compliance with such a request would be "repugnant of the Nature and Duty" of his office (pp. 97-98). As the members of the Council during the intervals between the meetings of the General Assembly were acting as an advisory body to the Governor, this was the reason for the stand taken by Scott.

After hearing this report of the Committee of Aggrievances and Courts of Justice, the Lower House decided to take the matter up for consideration on October 17 (p. 98). On that day the first thing the Delegates did was to have a copy of Governor Eden's proclamation of November 26, 1770, laid before them (pp. 108-110). They also ordered that William Steuart, Clerk of the



Land Office, produce before the House a copy of the order issued regulating the fees of Judges and the Registers of the Land Office, which was referred to in the Governor's proclamation of November 26. Steuart complied by producing a copy of the regulations which were dated November 24, 1770. These stated what fees should be charged by Judges and the Registers of the Land Office for performing certain services, such as issuing warrants, making out grants, etc. (pp. 110-112).

On October 18 the Delegates ordered that the proclamation of November 26 and the regulations of November 24 should be read, as well as several laws and resolutions of the Lower House. It was then resolved unanimously that:

The Representatives of the Freemen of this Province have the sole Right, with the Assent of the other part of the Legislature, to impose and establish Taxes or Fees; and that the imposing, establishing or collecting any Taxes or Fees on or from the Inhabitants of this Province under Colour or Pretence of any Proclamation issued by or in the Name of the Lord Proprietary or other Authority is arbitrary unconstitutional and oppressive.

For this reason, the resolution continued, the proclamation issued by Governor Robert Eden on November 26 and the regulations issued on November 24 in the name of the Lord Proprietary were "illegal, arbitrary, unconstitutional and oppressive." It was further resolved by a vote of thirty-two to three that "the Advisers of the said Proclamations are Enemies to the Peace, Welfare and Happiness of this Province and the Laws and Constitution thereof." The members of the lower chamber then ordered that an address should be prepared to send his Excellency regarding the said proclamations and that a copy of the above resolutions should be sent with it (pp. 113-115).

It was not until November 22 that the address relating to these proclamations was introduced in the Lower House by William Paca, of Annapolis, one of the committee that prepared the message. The instructions, or regulations, issued on November 24 were first discussed. In regard to them it was said that as the Land Office was not a private but a public office in which the colonists had a fixed and legal interest, the Governor could not regulate the fees to be charged by issuing instructions.

As to the Governor's proclamation of November 26, 1770, it was maintained that "it stands in it's Intention and Construction, as an implied Affirmative Allowance for the charging of Officers fees, agreeable to the late Regulation . . ." and as such was an attempt by his Excellency to exercise a power which could constitutionally be exercised only by the Legislature. In their researches, the committee continued, they did not find a single instance of any proclamation for levying the salaries or ascertaining the fees of officers. As fees of office are a tax upon the subject, they could not be imposed on the colonists except by the consent of the freemen in a General Assembly (pp. 192-198).

Continuing in the same vein the address to the Governor stated that as taxation and representation are inseparable, no one has a right to tax another without his consent, either expressed by himself, or his representative. Whoever tries to do this, it was said, "attempts an Injury," and whoever does it, "commits a Robbery." It was hoped that his Excellency would not attempt to exercise

both legislative and executive powers for in such a case "a Tyranny would be established." The message to the Governor concluded by requesting him to quiet the minds of people in Maryland by withdrawing his proclamation of November 26, 1770, as well his instructions of November 24 establishing fees in the Land Office, and that he would make known the names of "those ill Advisers who have daringly presumed thus to tread on the invaluable Rights of the Freemen of Maryland" (pp. 199-200).

After being approved by the members of the Lower House by a vote of thirty-one to three, this message was delivered to the Governor on November 23 (pp. 207-208). A week later in his reply to this address, Eden said that he thought that the Delegates' objections to his proclamations were due to a desire "to excite popular Animosity." It was they, he insisted, who wanted to usurp power and he gave as an illustration the arrest of William Steuart, Register of the Land Office, by order of the Lower House during a meeting of the General Assembly in fall of 1770. In this case, the Governor claimed, the Delegates assumed all powers, executive and judicial, as well as legislative (p. 219). Eden quoted at length from his message to the Lower House on November 20, 1770, regarding this arrest (pp. 219-223; *Arch. Md.* LXII, 421-425). He maintained that Steuart was condemned without authority by the Delegates "to undergo an Imprisonment, to which even Highwaymen and felons are not subject by the Law . . ." (p. 224). The arrest of William Steuart has been discussed in a previous volume of the *Archives* (LXII, xxvii-xxix).

Governor Eden then pointed out that in regard to the officers of the colonial government they were supported by fees and if these fees were taxes he questioned the sole authority of the Lower House to impose them. He cited instances in the past when the Lord Proprietary, either himself, or through the Governor and Council, had claimed the right to regulate officers' fees (pp. 225-231).

As to the Land Office, Eden claimed that the Proprietary had a right to dispose of his real estate on such terms as he deemed proper and to settle and regulate the fees of his officers in that department. That in this respect the Land Office might be called his Lordship's private office. While the people of Maryland have access to it, the officers were appointed by the Proprietary and cannot be compelled to perform any services without an adequate compensation (pp. 231-232).

Regarding his proclamation of November 26, 1770, the Governor maintained that he did not issue it until after the most mature consideration and that to him it appeared to be "a Measure not only lawful, but necessary. . . ." As to the last suggestion of the Lower House about his advisers, Eden said that he would not allow the Delegates to tell him whom he was to consult or exclude from his confidence, nor should any man have "the least Pretence" to reproach him with having betrayed his confidence (p. 233).

The importance that the Delegates attached to this dispute with Governor Eden was shown by their ordering that their address to him and his reply to them should be printed separately and four copies sent to each person entitled to receive the Votes and Proceedings of the Lower House (p. 233).



Before proroguing the General Assembly on November 30, 1771, which had been in session since October 2, Eden again referring to his proclamation said that he was disappointed by the mistaken construction the Delegates had placed on his action in issuing it. It was for benefit of the people of Maryland, his Excellency maintained (pp. 236-237).

It was not until June 15, 1773, that the General Assembly met again and when it did the relations between the Governor and the legislative bodies were more friendly. In his opening address to the members of the Upper and Lower House Governor Eden spoke of the death of Frederick Calvert and the succession of the new Lord Proprietary, Henry Harford. Eden was pleased that he had been continued as Governor under the new Proprietary and promised that he will always try "to promote the General Good of Maryland . . ." (pp. 310, 335-336, 342-344).

In a separate message to the Delegates of the Lower House Governor Eden said that if this time of the year was unsatisfactory, he would prorogue the Assembly to a time more convenient for their private affairs. If, however, the deputies were willing to go ahead, he would concur with both the Upper and Lower Houses in passing such acts as might be "conducive to the Publick Utility" (pp. 310, 336).

In reply the members of the Lower House informed his Excellency that while the time was inconvenient to the private affairs of many of them, yet as the Governor had thought it proper to convene them, "the peculiar State of the Province" had determined them to proceed to business. On their part, the Delegates promised to make every effort to enact such laws as might promote the general welfare (p. 344). On the following day Eden thanked the members of the Lower House for their address and added that he sincerely hoped the welfare of the province may be furthered by prudent and salutary laws (p. 346).

On June 18, 1773, the Upper House replying to Eden's message at the opening session on June 15 said that they were pleased that his Excellency had been reappointed Governor and that they were sure that he would continue to advance the prosperity of the colony (pp. 317, 318).

It was not until July 2, the day before the closing day of this session, that the Lower House in a series of resolutions revived some of the issues which had embittered the relations between Governor Eden and the lower chamber during the sessions held in 1771. These resolutions reiterated some of those which had been adopted by the Delegates during the two sessions held in 1770: two of them supported the right of the Lower House to arrest William Steuart and others the sole right of the lower chamber, with the assent of the Upper House, to impose and establish fees or taxes (p. 388; *Arch. Md.* LXII, 301, 431). And, on July 2, the Lower House again asserted that the Governor's proclamation of November 26, 1770, and his instructions of November 24 regarding the Land Office were illegal and unconstitutional. All these resolutions were ordered printed in the *Maryland Gazette* for the next six weeks (pp. 388-389).

Apparently Eden decided that he did not want to renew this controversy with the Lower House. Ignoring the above resolutions, he decided to prorogue the General Assembly until October 11, 1773, giving as his reason the absence of so

many members and the slight prospect of any further benefits accruing from a continuance of the session at that season of the year. This message was addressed to the members of both the Upper and Lower Houses (pp. 333, 390).

While the following incident did not involve any important difference of principles, as did the foregoing dispute, it is a picturesque event in the relations between the Governor and the Assembly. On November 26, 1771, it seems, Governor Eden notified the Lower House that the Deputies of the Delawares, Munsies and Mohekins were coming to Maryland in regard to matters mentioned in their speech a copy of which the Governor was sending to the Lower House. The Governor asked that they be accommodated while in Maryland as well as given a present (p. 210).

In their address to the Governors of Pennsylvania, Maryland and Virginia, the Chiefs of these Indian tribes said that three years ago they had sold to the English all the land on the east side of the Ohio River down to the Cherokee River and gave a deed to the same to Sir William Johnson. That since that time a great many more people have come to the Ohio to settle, that quarrels have resulted, and Indians and white settlers have been killed. The Indian Chiefs asked that steps be taken to stop these intrusions. They said that they were alarmed to hear that the English colonists were meeting with the Cherokees and the Six Nations in order to strengthen their friendship which made them think that the English are forming bad designs against them (pp. 210-211).

Two days later, after considering the Governor's message, the Lower House resolved that a sum not exceeding fifty pounds sterling should be paid to the order of his Excellency for the accommodation of the Deputies of the Delaware, Munsie and Mohekin Indians while in the province (pp. 214-215). In a message to Eden informing him of this resolution, the Delegates said that as they felt that as the people of Maryland could not be affected by any claim of the Indians to their lands, they did not think it proper to burden them with any sum to be given the Indians as a present (pp. 216-217). On the same day the Lower House sent to the Upper House a copy of their attitude in this matter with which the upper chamber concurred (pp. 67-68, 216-217).

#### RELATIONS BETWEEN THE UPPER AND LOWER HOUSES

The "Act for amending the Staple of Tobacco for preventing Frauds in his Majesty's Customs and for the Limitation of Officers Fees," which, as we have seen, was the cause of dispute between the Governor and Lower House was also the reason of disagreement between the Upper and Lower Houses. It was on October 10, 1771, that leave was given to bring in a bill similar to that act of 1763 which had not been reenacted during the fall sessions of the General Assembly in 1770 (p. 98).

Four days later the Upper House referred to the Lower House a petition of several subscribing clergymen of the Church of England in Maryland stating that while under the provisions of a law passed in 1704, which was continued except for a short interval until 1747, they had received forty pounds of tobacco per poll, yet that by the terms of the Act of 1763, which had expired in 1770, they had only received thirty instead of forty pounds of tobacco. The ministers



maintained that as forty pounds had been settled upon them in perpetuity by the Crown of England, by and with the advice and consent of the General Assembly, that in framing a new law attention should be shown the petitioners as is consistent with their legal rights (pp. 10, 101).

When they took this matter under consideration two days later, the Delegates voted that the clergy should receive thirty-two instead of thirty pounds of tobacco per poll. The minister's claim for forty pounds was not allowed (pp. 107-108).

The bill for amending the staple of tobacco, etc. was with amendments passed by the Lower House on October 18 and sent to the Upper House (p. 112). After considering the proposed law, the upper chamber informed the lower chamber that they found parts of it of such a character that they could not pass it, but as the welfare to the province depended so much on the success of the bill they wanted a conference with the Lower House "on the Subject Matter thereof." This message was sent the Delegates on October 30 (pp. 18, 135). On the same day the Lower House voted to agree to such a conference and, on the following day, the Upper House was told that the Delegates had appointed seven of their members as conferees to join any members of the Upper House appointed for the same purpose (pp. 136-137, 138).

The upper chamber at once replied and informed the Delegates that they had in turn appointed five of their members to join with the seven members of the Lower House in a conference (pp. 20, 140). On November 1 Governor Eden in a message to the Upper House told them that if at the approaching conference the same regulation in regard to the pay of the clergy was adopted as was proposed at the last session of the General Assembly in 1770, the ministers would be reduced to such a state of indigence that he would not consent to such a regulation (pp. 19-20).

The conference opened on November 4, 1771, with the Upper House represented by Benedict Calvert, Daniel Dulany, John Ridout, John Beale Bordley and William Hayward, while Matthew Tilghman, John Hall, Charles Grahame, Thomas Johnson, Samuel Chase, and Littleton Dennis appeared for the Lower House (p. 42). John Hammond, the other conferee appointed by the lower chamber was not present on the opening day (p. 138). William Paca was subsequently added by the Lower House to those representing that legislative body at the conference (p. 174). Benedict Calvert was chosen as chairman and James Brooks as clerk of this conference (p. 42).

The conference began by the representatives of the Upper House submitting seventeen propositions to the conferees of the Lower House. The first five of these related to inspectors of tobacco with which propositions the men representing the lower chamber agreed only in part (pp. 42, 43-44, 144-145). Three propositions about the tender and sale of tobacco were, however, agreed to by the Lower House conferees, as were two propositions about the clerks of the county courts and magistrates (pp. 42-43, 144-145). The propositions made regarding the fees of officers and lawyers, and how they could be discharged, as well as the Upper House's suggestion that "the Clergy to be left out of the Bill in all Respects," were unanimously rejected by the Delegates of the Lower

House (pp. 43, 44, 145, 146). To the seventeenth proposition of the upper chamber that provision be made for the payment of fees now due, the lower chamber agreed "when a reasonable Mode can be settled to ascertain what Fees are now due" (pp. 43, 44, 145, 146).

On November 6, after taking into their consideration these counter-propositions of the Lower House Delegates, the Upper House conferees decided to adhere to most of their original propositions. In regard to the clergy, however, they said that under certain conditions they were willing that the question of their pay should be included in the bill now under discussion (pp. 44-45, 152-153). In reply the conferees of the lower chamber informed those of the upper chamber that after what had passed between the two Houses at the last session of the Assembly in 1770, they were surprised that the Upper House members now made such different propositions regarding the payment of the fees of officers, lawyers and clergy, to which the Lower House was unwilling to agree. If the upper chamber still declined a conference on new table of fees the Delegates thought there was little chance of the passage of the bill now under discussion and the conference might as well be ended (pp. 45-46, 153-154).

To this message the conferees of the Upper House replied on the following day saying that what passed at the last session of the Assembly in 1770, not having been productive of any law or regulation, could not be considered as binding on both Houses now "for if considered as mutually obligatory the Conference must inevitably prove fruitless." The conferees of the upper chamber warned those of the lower chamber that they were unwilling to agree to any reduction in officers' fees. If, however, abuses had occurred under the old table of fees, they would consent to their correction (pp. 46-47).

Several days now elapsed before the conference met again on November 11. The conferees of the Lower House said that they did not agree with attitude of the Upper Chamber when they said that the propositions which they had made at the last session of the Assembly were not binding on them now. The Delegates, after pointing out some of the abuses in connection with charges made by officers under the old table, still insisted on having a new set of regulations. Only by comparing the new table with the old could abuses be corrected (pp. 48, 163-165).

The Upper House conferees still asserted there was nothing wrong in their changing their views. If, they said, a legislative body could not modify or reject a proposition previously made "how are they to be excused who have rescinded Regulations, to which they had recently given the most solemn Sanction?" The mere fact that a law, after being in force for a long time, was allowed to expire was, they maintained, no reflection on the members of an Assembly. The reason, they said, they had changed their attitude about the clergy dues was owing to the Governor's message of November 1 to them in which his Excellency had warned them that if no better provision were made for the clergy than had been proposed at the last session of the Assembly in 1770, he would not agree to the new law. Under such circumstances, the conferees of the Upper House asserted, there was no use standing by the former propositions which they had made about the clergy when they knew the Governor would not agree to them (pp. 48-52, 169).

The conferees of the upper chamber still insisted that the old table of fees was primarily to be considered. The length of time it had been in existence proved its worth. If any reduction of fees was intended, the Upper House would not agree to a new table (*ibid.*).

In reply the Lower House Delegates at the conference maintained that the mere fact that the old table of fees had been in existence a long time was no proof that they were justified. They claimed that an examination of the circumstances attending the several re-enactments of the law relating to officers' fees would not disclose any "fondness" for them and that in 1769 they were continued for one year only with the intention of considering them more fully at the next session. This action, the Delegates said, showed that the old table of fees was looked upon as defective in many respects. The Lower House objected especially to charges made by the Commissary General for services performed by his deputies and for which the latter were paid. Unless this double charge was stopped, the Delegates said that they would not agree to any regulation regarding officers' fees (pp. 53, 178-181, 183).

The conferees of the Upper House claimed that if they agreed to this suggestion about the Commissary General it would reduce his income "below the Regard of a Gentleman." They still insisted that the fact the law containing the old table of fees had been in effect for so long was proof of its merit. "By what other Criterion," they said, "can we so safely judge of the Opinion and Sentiments of Lawmakers as by the Laws they themselves have ordained" (pp. 53-57, 188).

On November 22 in a lengthy reply the conferees of the Lower House further elaborated their position. They claimed that in defending the charges made in the Commissary General department the Upper House conferees had not attempted to justify such charges, but supported them on the "Construction of the Table and uniform usage and Practice." The Delegates criticized the Upper House for suggesting an increase in the fees of the Secretary and other officers. It was a proposal, they said, that must have come from the officers themselves. As there was no hope of an agreement being reached, the conferees of the Lower House said that they had been instructed by the lower chamber to break up the conference (pp. 57, 201-207).

When the conferees of the Upper House read the message of the Delegates, they felt it should be answered. Accordingly, they obtained permission of the Delegates for another meeting of the conference for the purpose of vindicating their conduct (pp. 57-58).

At this last meeting of the conference, on November 26, the conferees of the Upper House accused those of the Lower House of perverting facts and instead of using reason and argument to settle the differences between them had offered "professions for proofs, Evasions for Answers, Assertions to convince, and rudeness to conciliate." The Upper House members claimed that those representing the lower chamber had not made sufficiently plain the instances in which excessive fees were charged in some of the departments. They denied that they had asked for an increase in fees for the Secretary and other officers. In conclusion they said that while they had not wanted to give offence, they



had felt it their duty to contradict some of the insulting remarks of the conferees of the Lower House (pp. 58-65, 209).

The Lower House now decided to end the conference. The conferees of the Upper House were so notified and also told that an answer to their "illiberal Language" would not be productive of any good as the Delegates were not disposed to attempt a rivalry with the Upper House members "in the Talents for Petulance and impertinent Invective." It is interesting to note that this message of the Lower House was passed by the relatively close vote of sixteen to thirteen. Six of the eight conferees of the Lower House took part in the voting and of these only two, Paca and Tilghman, were in favor of the message, Johnson, Hammond, Grahame and Hall were against it (pp. 65, 209-210).

When the conferees of the Upper House received this address, they replied that they were not surprised at it as it was consistent with the spirit of the other proceedings of the Delegates. The members of the upper chamber added that they most willingly consented to end a conference "so extremely disagreeable." So ended the meeting. On the same day the Upper House returned without their endorsement to the lower chamber the bill entitled "Act for Amending the Staple of Tobacco for preventing Frauds in His Majestys Customs and for the Limitation of Officers Fees" (pp. 65, 211, 213).

During the session of the General Assembly which met from June 15 to July 3, 1773, the first attempt to introduce the same bill on June 18 in the Lower House was defeated (pp. 346-347). However, permission to bring in such a bill was given on June 23 and on June 29 a motion to refer the bill to the next session of the General Assembly was defeated (pp. 357, 378-379). It was then passed by the Lower House on July 1, sent to the Upper House where it failed to pass (pp. 330, 331, 335, 386). No agreement about this bill could be reached until the November-December session of 1773 (Green's *Laws of Maryland*, November-December, 1773, Chaps. I, XXI).

Until this time, that is, the fall of 1773 when the bill became law again how were fees collected for the various offices? This question is answered by the report of a committee to the Lower House on June 24, 1773, in which it was stated that in obedience to the order of the Delegates that they had applied to Reverdy Ghiselin, Clerk of the Secretary's Office, Elie Vallette, Register of the Commissary's Office, James Brooks, of the Chancery Office, and William Steuart, Register of the Land Office, requesting these men to inform the Lower House committee what fees were taken or charged by the said officers and by what authority. All of them replied that they were charging the same fees as were authorized under certain provisions of the "Act for Amending the Staple of Tobacco, etc." which had expired and not been renewed and had permitted persons to pay either in tobacco, or in money at the rate of twelve shillings and six pence for every hundred pounds of tobacco (pp. 359-361). This was in accordance with the terms of the Governor Eden's proclamation of November 26 and his instructions to the Land Office of November 24, 1770 (pp. 109-110, 111).

Still another bill upon which the Upper and Lower Houses could not agree was entitled "An Act for the further Emission of Bills of Credit." It was on

October 22, 1771, that the Delegates resolved themselves into a Committee of the Whole House to take into consideration the expediency and the ways and means of issuing bills of credit for the improvement of the province and the advancement of trade (pp. 118, 119). Three days later the Lower House approved the appropriation of a sum for establishing a "Seminary of Learning" in the province and ordered that leave be given to bring in a bill for a further emission of bills of credit (pp. 127-128). This bill was finally passed and sent to the Upper House (pp. 158-160).

There on November 9 an amendment was proposed to the bill (pp. 28, 160). When the bill with the amendment was returned to the Lower House, the Delegates sent a message to the upper chamber in which they said that they were much concerned that the Upper House always proposed amendments to the money bills which they sent to them. As the Lower House claimed the exclusive right to draw up such bills, they had rejected the amendment which the upper chamber had suggested (p. 176).

In their reply, the members of the Upper House would not admit the claim of the Delegates regarding money bills. They maintained that there were not only instances of amendment of money bills by them, but also of such bills being framed by a committee of both Houses and that even some money bills had originated in the Upper House (pp. 34-35, 181). No further action appears to have been taken on this bill at the October-November, 1771, session.

#### LEGISLATIVE ENACTMENTS

##### NEW GENERAL ACTS OR NEW ACTS SUPPLEMENTARY TO OLD ACTS

As the name implies such acts applied to the province as a whole. During the General Assembly, which met from October 2 to November 30, 1771, one law of that character, or type, was entitled "An Act for imposing a further additional Duty of five Pounds Current Money per Poll on all Negroes imported into this Province." Half of this sum was to be applied to the use of the county schools within the colony (pp. 242-243). It was supplementary to a similar act passed in 1763 (*Arch. Md.* LVIII, 512; *ibid.* LXI, 232).

Another general law passed at this session was "An Act for vesting in such foreign Protestants as are now naturalized or shall be hereafter naturalized in this Province all the Rights & Privileges of natural born Subjects" (p. 238).

Three acts, passed at October-November, 1771, session of the General Assembly referred to courts to which all could appeal and therefore the laws in question might be termed general acts. Two of these statutes provided for "the Adjournment & Continuance of the High Court of Appeals." Circumstances made such a step necessary. The first adjournment was "untill the third Friday in November next" and the second postponement was "untill second Tuesday in February next" (pp. 239, 279). The third law was entitled "An Act for preventing trivial Suits in the Provincial Court." It sought to compel plaintiffs to sue in the county courts where the sum involved did not amount to more than twenty pounds sterling (p. 247).

Although they referred to persons, two laws enacted during the fall session of 1771 can be classified as general laws. One of these was entitled "An Act

for the speedy and effectual Publication of the Laws of this Province and for the Encouragement of Anne Catharine Green of the City of Annapolis Printer." By the terms of this statute each county in Maryland was to contribute a stated number of pounds of tobacco to Mrs. Green for publishing the laws of the province when the Assembly was in session and a lesser amount when the Assembly was not meeting. This law was to be in effect until December 25, 1772 (pp. 299-302). Although it was not reenacted during the June-July session of the Assembly in 1773, it was during the one which met later that year. Prior to 1771 Mrs. Green had had the benefit of a law similar to the one then enacted, but it had expired on December 25, 1770 (*Arch. Md.* XLII, xxxvii-xxxviii).

The other statute, which may also be called a general law, was entitled "An Act empowering the County Courts to settle with Persons who were formerly Inspectors of Tobacco." The preamble of this law stated that by the expiration of "An Act for amending the Staple of Tobacco for preventing Frauds in his Majesty's Customs & for the Limitation of Officers Fees" the power of the county courts to settle the accounts of the inspectors ceased, and as a result the public in many instances were deprived of the balance due from the inspectors and in other cases the inspectors themselves were unpaid. In order to remedy this situation, the Justices of the county courts were authorized by this law to summon the inspectors before them and then to settle and adjust their accounts (p. 305).

It was at this session also that "An Additional Supplementary Act to the Act entitled an Act for the Establishment of religious Worship in this Province according to the Church of England and for the Maintenance of Ministers" was passed. This law provided, among other things, for the oaths that must be taken by an inducted minister and on what grounds he might be suspended or deprived of his benefice (pp. 290-293). This significance of this law has been discussed at length in a previous volume of the *Archives* (LXI, lxix-lxxii).

When the Assembly met again in June, 1773, this act in regard to the clergy was the subject of criticism. The Lower House was of the opinion that it was not enacted by "legal and Constitutional Authority" and was therefore void. The Delegates were also of the opinion that provision for the support of the clergy of the Church of England in Maryland should be "upon the Principle of Equality, in Imitation of that which has long prevailed in his Majesty's Colony of Virginia" (p. 347).

Why the law regarding ministers was not legal was explained at a subsequent Assembly meeting. It appears that Frederick Calvert, the Lord Proprietary, had died in September, 1771, prior to the opening of the last session of the Assembly on October 2. Had this fact been known the General Assembly should have been dissolved and arrangements made for the election of a new Lower House. Since this was not the case all the laws passed at the session of Assembly held in October-November, 1771, were considered invalid. It was for this reason that the Lower House on June 22, 1773, ordered that a bill be brought in to make valid the several acts of Assembly passed at the session held during the fall of 1771. However, one of the two acts which the Delegates did not want made



valid was the one regarding religious worship and the maintenance of ministers (pp. 354-355). The bill to make valid all but two of the acts of the last General Assembly passed the Lower House, but when sent to the Upper House they refused to take the same action (pp. 363, 322, 365).

On June 25, 1773, the Delegates took under consideration the new bill for the establishment of religious worship and the maintenance of ministers, and, after voting that the sum of thirty-two thousands pounds of tobacco payable at 12/6 per cent, exclusive of glebe, should be the annual sum allowed to each clergyman in the province, passed the bill and sent it to the Upper House (365-366).

When the members of the Upper House took the bill under consideration the following day, they refused to pass it. Their objection to the proposed bill just sent them was that by establishing an equality in the incomes of ministers it would impose "an unequal Tax on the People, and oppressive on such as reside in some of the small Parishes, as well as damp the emulous Exertions of Merit, which the hopes of Preferment are wont to animate" (pp. 323-324; 370-371). Although the Lower House on July 2 ordered that an answer be prepared to this message of the Upper House, nothing further was done before the close of the session (p. 386).

While, as we have seen, the General Assembly which met during the fall of 1771 passed eight general acts that which met from June 15 to July 3, 1773, passed five such laws. One of them was entitled "An Act to prevent counterfeiting the paper Money of other Colonies." Those convicted under this act were to suffer death "without Benefit of Clergy" (pp. 398-399). Governor Eden had requested the enactment of such a law. Apparently the Maryland statute was based upon a similar Virginia law (pp. 355, 364-365).

Another of the general acts passed during the summer session of 1773 was entitled "An Act concerning Estates-tail and the Jurisdiction of the County Courts." Under the provisions of this statute persons seised of estates-tail could sell and convey them in the same manner as those seised in fee-simple. In order to prevent inconvenience to litigants by having to resort to the Provincial Court, at Annapolis, this law extended the jurisdiction of the County Courts (pp. 391-393). This Assembly also passed "An Act for the better regulating Attachments." As is stated in the preamble of this statute, under the laws then in force regarding attachments equal justice was not afforded creditors with the result that while some secured their claims others lost them. It was said that frequently doubtful and suspicious claims took the place of honest debts due to "Contrivance and Fraud" between absconding persons and their friends. By an elaborate set of regulations the new law sought to remedy this situation (pp. 410-419).

The Assembly at the June-July, 1773, session passed "An Act to enable the Representatives of Deceased Treasurers to pay over the Ballances in their Hands." It appears that the executors or administrators of the Treasurers of the Eastern and Western Shore sometimes failed to pay the balances in their hands to the succeeding Treasurer. This the new law now required them to do (pp. 419-420). Governor Eden had requested that such a statute be enacted

(pp. 356, 364-365). Another law was passed at this session in order to provide "Parchment, Paper, Ink Powder and Quills" for the use of the members of the Assembly. It was entitled "An Act to enable the Commissioners of Emitting Bills of Credit to provide Stationary for the use of the Upper and Lower Houses of Assembly." The Commissioners were authorized to expend thirty pounds sterling for this purpose (pp. 399-400). As this law, as well as the one dealing with the Treasurers are rather limited in their application, it might also have been possible to treat them as local acts.

A number of bills having the characteristics of general acts received the approval of the Lower House during the fall session of 1771, but failed of passage in the upper chamber. One dealt with the "Trial of all Matters of Fact in the several Counties . . ." (pp. 70, 135-136), another with the issuance of "Writs of Replevin out of the County Courts . . ." (pp. 70, 116), while a third related to "Defective common Recoveries" (pp. 70, 123). A bill providing for a tax on tobacco exported out of the colony for the support of "an Agent at London for the Service of this Province" also failed to pass the Upper House (pp. 70, 146-147). Bills seeking to prevent "the Buying and Selling of Offices" failed to secure the approval of the upper chamber at either the session held in 1771 or at the one which met in June and July of 1773 (pp. 70, 124, 330, 368).

During the summer session of 1773 three other bills, general in their nature, failed to win the approval of the Upper House. Two of these dealt with judicial matters, one with the "Provincial Grand Jurors" (pp. 325, 368), and the other with "the Independency of the Justices, the Enlargement of the County Court Jurisdiction in Cases of Equity, and the Authority of the Deputy Commissaries" (pp. 326, 370). The third bill was an act for the sale of "the Capital Bank Stock belonging to this Province" (pp. 331, 386).

Two bills failed of passage because the Lower House would not agree to the amendments proposed by the upper chamber. One was entitled "An Act for the Security of Purchasers and others being Protestants claiming by or from Aliens" (p. 170); the other was "An Act to ease the People of this Province from Trivial Suits in the County Courts" (pp. 381-382).

During the session which met during October-November, 1771, two bills came up which were referred by the Lower House to the next session of the General Assembly. One was "An Act to redress the Evil arising from the Variation of the Compass in surveying Lands" (p. 105; *Arch. Md.* LXII, xxxii), and the other was "An Act to regulate the Criminal Business of Baltimore County" (p. 187). Neither bill, however, appear to have come up for consideration when the General Assembly reconvened during the summer of 1773.

There were two other bills, which came up during the fall session of 1771, which were also referred to the next session of the General Assembly, which occurred in June-July, 1773. At this meeting these two bills were again postponed for consideration until the next meeting of the Assembly. One of the two bills in question dealt with "the more effectual securing of Orphans Estates" (pp. 217-218, 373), and the other bill was entitled "An Act directing the Manner of punishing Fornication and Adultery before a single Justice of the Peace out of Court" (pp. 213, 374).

## GENERAL ACTS EXPIRING, MODIFIED OR CONTINUED

The committee appointed by the Lower House of the General Assembly, which met in October and November of 1771, to enquire what laws would expire at the close of that session reported, on October 14, that four acts would come under that classification. Three of these were general acts and the other a local act to which reference will later be made. The three general laws were "An Act for the Preservation of the Breed of Fish," "An Act for licensing Ordinary Keepers, Hawkers, Pedlars and Petty Chapmen," and "An Act for amending and declaring the Law in the Cases therein mentioned." All these statutes had been passed at the May-June session of the General Assembly in 1768 (pp. 85, 102). A discussion of all three laws can be found in the Introduction to Volume LXI of the *Archives*. These same statutes were reenacted by the Assembly during the fall of 1771 (pp. 241-242, 271-272, 295-299).

It has already been explained elsewhere that when the General Assembly met in June and July of 1773 an attempt was made to pass a law which would make valid the acts passed at the October-November session of 1771. Had it been known that Frederick Calvert, the Lord Proprietary, had died the Assembly which met during the fall of 1771 would have been dissolved and plans made for the election of a new Lower House. Since this was not the case all the acts passed by that General Assembly were considered invalid. The Lower House of the Assembly during the summer of 1773 tried in vain to have the laws passed in 1771 reenacted, but the opposition of the Upper House prevented this.

As was the usual custom, the Lower House of the Assembly, which met in June-July, 1773, appointed a committee to find out what laws would expire with the end of that session (p. 344). On June 21 they reported that nineteen laws, all of them general acts but two, would lapse with the close of that session unless reenacted (pp. 349-351). All of these laws were continued in force as well as another act not mentioned in the committee's report. Space will not permit the enumeration or discussion of all these laws. The reader, if interested, by referring to the two continuing acts can find not only the exact titles of the laws reenacted, but also the date when they were first passed (pp. 393-397, 400). Except for the act for licensing ordinary keepers, hawkers, peddlers and petty chapmen and a local act for repairing the public roads in Baltimore County, none of the acts passed by the General Assembly which met during the fall of 1771 were reenacted. The Upper House, as has been stated, blocked the lower chamber's attempt to do this.

## LOCAL ACTS

At the session of the General Assembly during October-November, 1771, sixteen new local acts were passed, one local act was revived and continued and another was continued. As the name indicates local acts did not apply to the province as a whole. The law which was revived and continued was entitled "An Act for amending & repairing the Publick Roads in Baltimore County" (pp. 250-251; *Arch. Md.* XLII, xlii). The statute which would have expired had it not been continued was "An Act to establish a Market at the Market House in Chester Town in Kent County, & for the Regulation of the said Market" (p. 241).



Of the sixteen new local acts six dealt with the construction or repair of churches or chapels. Of these six laws two were supplementary to acts passed at a previous session of the Assembly. One of these was supplementary to an act for building a parish church in Queen Ann Parish, in Prince George's County (pp. 240-241). The original statute had been passed during the September 25–November 2 session of the Assembly in 1770 (*Arch. Md.* XLII, 330-331). The other law was supplementary to the act for building a parish church in Christ Church Parish, in Calvert County (pp. 243-244). It was at the November–December meeting of the General Assembly in 1769 that the original act was passed (*Arch. Md.* XLII, 164-165). The Assembly which met in June and July of 1773 disapproved of the supplementary law enacted in 1771 (pp. 354-355).

Of the other four laws one of them had been considered at the winter session of 1769. This act authorized the construction of a church in Prince George's Parish, which was located partly in Prince George's and partly in Frederick Counties (pp. 239-240; *Arch. Md.* XLII, xl). The other three acts provided for churches, or chapels, in Stepney Parish, "lying in Somerset & Worcester Counties" (pp. 244-245), in All Hallows Parish, in Worcester County (pp. 245-246), and in St. Johns "commonly called King Georges Parish," which was located partly in Prince George's and partly in Charles County (pp. 280-281). Governor Eden refused to sign a bill to divide Prince George's Parish, in Frederick and Prince George's Counties, and to erect a new parish by the name of Christ Church Parish (pp. 74, 234, 236). During the October–November session of the Assembly in 1771 the inhabitants of St. Paul's Parish, Baltimore County, in a petition stated that as the church in Baltimore was too small to accommodate the parishioners "in Time of Divine Service and is very ancient and decayed which renders it not worth repairing," they asked that the sum of three hundred and twenty thousand pounds of tobacco be appropriated for building a new church in Baltimore. On November 19, 1771, this petition was referred to the next session of the General Assembly (pp. 18, 21, 135, 142-143, 182). When the Assembly met during June and July of 1773, the same action was again taken in regard to this petition (p. 373).

Two of the remaining ten local acts passed at the October–November session of the General Assembly in 1771 related to the building of court houses. One law, supplementary to a statute, enacted during the September–November meeting of the Assembly in 1770, concerned the court house in Dorchester County (pp. 255-257; *Arch. Md.* XLII, 326-328). The other law was in regard to finishing and completing the court house and prison in Baltimore County. It appears that the prison had recently burnt down (pp. 282-283; *Arch. Md.* LXI, 442-445). One act sought to remedy "divers Defects" in the records of Charles County" (pp. 277-279), while another provided for the adjournment and continuance of the Frederick County court (pp. 279-280).

Two acts related to the poor in Frederick and Ann Arundel Counties (pp. 259, 303-304). Both these laws were based upon a statute passed in 1768 entitled "An Act for the Relief of the Poor within the several Counties therein men-

tioned" (*Arch. Md.* LXI, xiii, xxxix, 1, xcv, xcvi, 486-495). Of the remaining laws to be considered, two of them concerned Georgetown, in Frederick County. One act prohibited the raising of swine and geese in that town unless they were kept in an enclosure (p. 250), and the other sought to prevent "the Exportation of Flour not merchantable" from the town (pp. 251-255). A similar statute was enacted at the 1771 session of the Assembly to prevent the export from Baltimore not only of unmerchantable flour, but also staves and shingles having that characteristic and "to regulate the Weight of Hay & Measure of Grain, Salt, Flaxseed & Fire Wood within the said Town. . . ." Under the provisions of both the Georgetown and Baltimore laws all flour not merchantable was to be marked with the broad arrow (pp. 261-271). For a discussion of the use of this symbol, see *Archives of Maryland*, vol. XLIX, xxvi-xxvii; *ibid.* LXI, liii, 445-453.

One other act remains to be considered and that was one which authorized "the Commissioners for emitting Bills of Credit" to pay William Mills, John Peacock and others specified sums in settlement of their claims (pp. 260-261). This completes the local acts passed by the General Assembly during the fall of 1771.

The comparatively short session, June 15-July 3 of the Assembly in 1773, passed only a few local acts. One of these laws continued an act for destroying wolves in Frederick County (p. 395), and another was for the relief of the poor in the same county (pp. 401-402).

One statute revived and continued the act for repairing the public roads in Baltimore County (pp. 396-397). As we have seen, the Assembly which met in 1771 took the same action. Another act provided for "the Enlargement of Baltimore Town." By the terms of this law about eighty acres lying to the east and southeast was made a part of the town (pp. 397-398). It was known as Fell's Point (pp. 362, 367, 372, 373).

At this session, during the summer of 1773, Governor Eden refused to sign a bill relating to leases made by the rector, vestrymen and churchwardens, of St. Anne's Parish, Anne Arundel County (pp. 333, 389, 390).

Among the local bills which, during this meeting of the Assembly, encountered opposition either in the Upper, or Lower House, was one that related to the roof of the State House. After voting that shingles instead of copper should be used, a bill to have this work done was introduced. While it was acted on favorably by the Lower House, the upper chamber refused to pass it (pp. 348-349, 368, 373, 374). The corner stone of this State House had been laid by Governor Eden on March 28, 1772, attended by a number of "the principal Gentlemen" of Annapolis. On this occasion "a cold Collation was provided for the Company, and after a few loyal and constitutional Toasts had circulated, the Gentlemen retired, the Workmen giving Three Cheers on their Departure" (*Maryland Gazette*, Apr. 2, 1772). It was during the November-December session of 1769 that £7500 sterling had been appropriated to build this State House (*Arch. Md.* Vol. LXII, 148-149).

## PRIVATE ACTS

The General Assembly, which met during October and November of 1771, passed seven private acts which were for the benefit of particular persons. One of them provided for the naturalization of Charles Frederick Weisenthal (pp. 281-282). The other six laws related to land. One act confirmed title to land (pp. 247-249), four of the statutes authorized conveyances of land (pp. 283-287, 287-289, 293-295, 302-303), while another provided for the sale of land in payment of debts (pp. 257-258). Governor Eden refused to sign a bill for the sale of John Hawkins' land for the payment of his debts which had been passed by the Upper and Lower Houses (pp. 74, 236). In one of the statutes regarding the conveyance of land, which became a law, the name of George Washington appeared as one of the executors of Thomas Colvill, of Fairfax County, Virginia (pp. 12, 110, 132-133, 293-295).

Among the petitions which did not receive favorable consideration during the session of the Assembly in October and November of 1771 was one presented by Gilbert Barrow, of Talbot County, asking for a divorce. On November 12, after hearing the evidence in this case, the Lower House rejected the petition (pp. 20, 142, 166).

At the June-July session of the General Assembly in 1773 three private acts were passed all relating to land (pp. 400-401, 402-404, 405).

## ACTS FOR THE RELIEF OF PRISONERS FOR DEBT

At both the fall session of 1771 and the summer session of 1773 an act for the relief of prisoners for debt was passed. In all about one hundred and twenty persons in the different county jails were affected by the two laws (pp. 272-277, 406-410). The question of the relief of prisoners for debt has been discussed in previous volumes of the *Archives* (LXII, xlii-xliii). One Alexander Symmer, of Prince George's County, in order to avoid the chance of being put in prison for debt petitioned the Assembly that an act be passed securing his person and effects from arrests and lawsuits for ten years. Such an act would enable him, Symmer said, to support himself and five young children. Symmer's petition was rejected by the Lower House (pp. 190, 192).

## APPENDIX

I. *Order of His Majesty's Council for Robert Eden to qualify as Governor of Maryland, March 5, 1773.* The order was based upon a report received from the Lords of the Committee of Council for Plantation Affairs, dated March 2. In this report it was stated that Frederick Calvert, late Lord Proprietary of Maryland, had appointed Robert Eden Governor of Maryland; that Calvert had died during September, 1771, and by his will had left the province of Maryland to Henry Harford, a minor; that the Dean of Canterbury, and Hugh Hammersley and Peter Prevost had been appointed guardians of Henry Harford; that the guardians, with the approval of Henry Harford, again wanted Robert Eden appointed Governor of Maryland.



The report continuing stated that the Lords of the Committee of Council for Plantation Affairs approved of the petition of the guardians of Henry Harford and ask his Majesty to approve of the reappointment of Eden as Governor of Maryland which his Majesty in Council did on March 5, 1773.

See also *Acts of the Privy Council, Colonial Series, 1766-1783*, p. 556, and Letter of Transmittal, p. xi.

II. *Amount of tonnage of vessels entering Maryland from September 29, 1769, to September 29, 1771.* Governor Robert Eden furnished the Speaker of the Lower House this information in connection with the proposed erection of a lighthouse at Cape Henry. See introduction, pp. xxii-xxiii and p. 107 of the text for the Governor's letter of October 16, 1771, in which he refers to this shipping data which he is sending the Delegates through their Speaker.

III. *Proceedings in the case of Robert Moreton, Customs Officer, May-July, 1773.* It appears that the Sloop *Speedwell*, because of her master's failure to properly enter her cargo, had been libelled by Robert Moreton, his Majesty's Customs Officer at Baltimore (*Maryland Gazette*, Feb. 4, 1773, has notice of Moreton's appointment).

The case is discussed in the Council Proceedings for May 6, 1773, and in the following letters and depositions:

Letter from Robert Moreton to [Gov. Robert Eden], May 10, 1773; Extract of a letter from Robert Moreton to the Commissioners of the Customs at Boston, May 28, 1773; Extract of a letter from the Collector and Deputy Comptroller of the Customs at the Port of Patuxent to the Commissioners [of Customs at Boston?], June 10, 1773; Commissioners of Customs at Boston to Gov. Robert Eden, July 6, 1773; Depositions of John McMachan and James Gaddes, May 10, 1773.

The proceedings of the Maryland Council mentioned above are printed from a photostat copy of the Peter Force transcripts of these proceedings now in the manuscript division of the Library of Congress. As the General Assembly was not in session at this time, that is, during May, 1773, the Council was holding its meeting as the Governor's advisory body and not as the Upper House of the Assembly. If the original records of these proceedings could have been found, they would, of course, have been used. It is greatly to be regretted that no original records of the proceedings of the Council since the meeting held on Sept. 24, 1770, have ever been located (*Arch. Md.* XXXII).

THE EDITOR.

PROCEEDINGS AND ACTS  
OF THE  
GENERAL ASSEMBLY OF MARYLAND

*At a Session Held at Annapolis, October 2–November 30, 1771.*

*Being the First and Only Session of the Assembly*

*Elected in January, 1771*

FREDERICK CALVERT, LORD BALTIMORE

*Lord Proprietary.*

ROBERT EDEN,

*Governor.*





# PROCEEDINGS

## OF THE

### UPPER HOUSE OF ASSEMBLY

At a Session of Assembly, begun and held at the City of Annapolis on Wednesday the second Day of October in the Twenty first Year of His Lordships Dominion Anno Domini 1771.

U. H. J.  
Liber No. 36  
1771  
Oct. 2  
p. 524

Present

His Excellency Robert Eden Esq Governor

The Honble	{	Benedict Calvert Esq	Daniel of Saint Thomas
		Daniel Dulany Esq	Jenifer Esq
		Walter Dulany Esq	George Plater Esq
		George Steuart Esq	

Mess.<sup>rs</sup> William Paca and Benjamin Mackall, from the Lower House acquaint His Excellency that there are a sufficient number of Members met to make an House and wait His Excellencys Commands.

Benedict Calvert and Walter Dulany Esquires are sent to the Lower House to Administer the Oaths to the Government appointed to be taken by Act of Assembly of this Province to the several Members of that House and Ordered that the Clerk of this House attend them, who Administered the several Oaths to the several Members then present, and they all Subscribed the Oath of Abjuration and Test.

Daniel of Saint Thomas Jenifer and George Plater Esquires are Sent to acquaint the Members of the Lower House that His Excellency requires their Attendance in the Upper House immediately.

The Lower House attend and his Excellency Orders them to return to their House and make Choice of a Speaker.

Mess.<sup>rs</sup> Brice Thomas Beale Worthington and James Lloyd Chamberlaine from the Lower House acquaint His Excellency that their House hath made Choice of a Speaker

Daniel Dulany and George Steuart Esqrs are sent to acquaint the Members of the Lower House that his Excellency requires their Attendance in the Upper House to present their Speaker for His Approbation.

The Lower House attend, and present Edward Tilghman Esq for their Speaker with which Choice His Excellency declares himself well pleased and makes the following Speech.

U. H. J. Gentlemen of the Upper and Lower Houses of Assembly  
 Liber No. 36  
 Oct. 2 Whilst engaged in enacting Regulations conducive to the Welfare of the Province you will I hope find the Season convenient to your private Affairs.

p. 525 The State of the Criminal Law which I recommended to the Consideration of the late Assembly permit me again to press as an Object that deserves your most deliberate Attention

The Provision hitherto made for repairing and keeping in Order the Publick Roads having proved very ineffectual, let me also beg your peculiar Regard to this Subject Our Situation for Commerce has many natural Advantages which will be diminished or improved in proportion to our Neglect or Care in Shortening Distances and facilitating the Carriage of our native produce to Market. Gentlemen of the Lower House

Nothing could be effected, at the last Session, in Consequence of His Excellency, the late Lord Botetourts Letter soliciting a Contribution towards defraying the necessary Expence that would attend the Erection and Maintenance of a Light House on Cape Henry.

I have pursuant to the Address of the late Assembly directed the Naval Officers to furnish me with an Account of the Tonnage which I shall Order to be laid before you as also a Letter from the Speaker of the House of Burgesses of Virginia to your Speaker containing as I am informed the like Account of the Tonnage of that Province and I must now request the Establishment of some Fund for a Service in which the Trade of Maryland is so much interested Gentlemen of both Houses

Be assured of my most cheerful Concurrence in every Measure tending to promote the real Interests of this Country and that I shall deem myself happy in proportion to the Prosperity the people of this Province shall derive from my Administration

Adjourned until 3 of the Clock in the Afternoon

Eodem Die post Meridiem

The House met again according to Adjournment

Present as in the Morning

Mess.<sup>rs</sup> Beall and Tyler from the Lower House acquaint His Excellency that their House hath made Choice of M.<sup>r</sup> John Duckett for their Clerk and hope for His Excellency's Approbation to whom his Excellency is pleased to declare that he Approves their Choice

Walter Dulany and Daniel of Saint Thomas Jenifer Esq.<sup>rs</sup> are appointed a Committee to prepare and bring in an Address in Answer to His Excellency's Speech

p. 526 Mess.<sup>rs</sup> Worthington and Johnson attend with M.<sup>r</sup> John Hammond a Member Elected for Ann Arundel County, and M.<sup>r</sup> John

Hall a Member Elected for the City of Annapolis, to see them Qualified, who take the Oaths to the Government, appointed to be taken by Act of Assembly Repeat and Subscribe the Abjuration and Test and then withdraw.

U. H. J.  
Liber No. 36  
Oct. 2

Mess.<sup>rs</sup> Contee and Wootton from the Lower House attend with M.<sup>r</sup> John Duckett Clerk of the said House in order to see him Qualified who takes the Oaths to the Government appointed to be taken by Act of Assembly Repeats the Abjuration and Test and also takes the usual Oath of Office and then withdraws

Adjourned until to Morrow Morning 10 of the Clock

Thursday Morning 3.<sup>d</sup> of October 1771.

Oct. 3

The House met again according to Adjournment

Present as Yesterday

The Committee appointed to prepare an Address in Answer to His Excellency's Speech bring in the following.

To His Excellency Robert Eden Esq Governor and Commander in Chief in and over the Province of Maryland.

The Humble Address of the Upper House of Assembly.

May it please your Excellency

We His Majesty's dutiful and loyal Subjects, the Upper House of Assembly, return your Excellency our sincere Thanks for your kind Speech at the opening of this Session

The several Matters your Excellency has recommended to our Consideration are very important, and you may be assured we shall pay all due Attention to them in the Course of the Session

Your Excellency has given us so many proofs of your hearty Disposition to promote the real Interests of this Country, that we cannot doubt the sincerity of your generous Declaration, that you will deem yourself happy in proportion to the prosperity the people of this Province shall derive from your Administration

Which was Read approved of and ordered to be Engrossed.

The Engrossed Address being prepared was Read and Assented to and Signed by Order of the House by the Honourable Benedict Calvert Esq

Ordered that Walter Dulany Esq do wait on His Excellency and acquaint him that this House hath prepared an Address to be presented to him, and desire to know when and where he will be pleased to receive it. p. 527

Walter Dulany Esq returns and acquaints this House that His Excellency was pleased to Signify he would receive the Address immediately in the Revenue Office



U. H. J. Ordered that Benedict Calvert Esq attended by the whole House  
Liber No. 36 do present the said Address which was presented accordingly.  
Oct. 3

Mess.<sup>rs</sup> Earle and Thomas attend with M.<sup>r</sup> Solomon Wright and M.<sup>r</sup> Thomas Wright Members Elected for Queen Anns County to see them Qualified who take the Oaths to the Government appointed to be taken by Act of Assembly Repeat and Subscribe the Abjuration and Test and then withdraw.

His Excellency was pleased to communicate to this House the following Message in Answer to the Address.

Gentlemen of the Upper House of Assembly.

I have no doubt of your paying all due attention to the several Matters recommended to you, at the opening of this Session I have ever observed your Deliberations to be guided by the same Motives which have governed my Conduct be assured it shall be my wish and Endeavour, to continue to merit the favourable Opinion of my hearty Disposition to promote the real Interests of Maryland which you have been pleased to Express in your Address

Robert Eden

Mess.<sup>rs</sup> Earle and Thomas attend with M.<sup>r</sup> Isaac Handy a Member Elected for Somerset County to see him Qualified who takes the several Oaths to the Government appointed to be taken by Act of Assembly repeats and Subscribes the Oath of Abjuration and Test and then withdraws.

Mess.<sup>rs</sup> Moale and Harrison from the Lower House bring up the following Message.

By the Lower House of Assembly 3.<sup>d</sup> October 1771.

May it please your Honours

This House hath appointed from Nine o'Clock in the Morning until One in the Afternoon for its Sitting every Day during this Session for the Dispatch of the Publick Business.

Signed by Order John Duckett Cl. Lo. ho.

Resolved that this House will sit from Ten oClock until One every Day for the Dispatch of publick Business.

Mess.<sup>rs</sup> Ennals and Contee from the Lower House bring up the following Message.

p. 528 By the Lower House of Assembly 3.<sup>d</sup> October 1771.

May it please your Honours.

This House hath appointed Mess.<sup>rs</sup> Contee, Parran, Jordan, Rumsey, Ennalls, Worthington and Beall, to join one or more of the Members of your House as a Committee to inspect the Office and Proceedings of the Commissioners for Emitting Bills of Credit.

Signed by Order John Duckett Cl. Lo. Ho.

The following Message is Sent to the Lower House by Daniel Dulany Esq

U. H. J.  
Liber No. 36  
Oct. 3

By the Upper House of Assembly 3.<sup>d</sup> of October 1771.

Gentlemen

This House hath appointed Benedict Calvert and Walter Dulany Esquires to join the Members, named by your House in a Committee to inspect the Office and Proceedings of the Commissioners for Emitting Bills of Credit

Signed by Order UScott. Cl. Up. Ho.

Adjourned until to Morrow Morning 10 of the Clock

Friday Morning 4.<sup>th</sup> of October 1771.

Oct. 4

The House met again according to Adjournment

Present as Yesterday except Benedict Calvert Esq

Mess.<sup>rs</sup> Harrison and Hawkins attend with M.<sup>r</sup> William Smallwood a Member Elected for Charles County, to see him Qualified who takes the several Oaths to the Government appointed to be taken by Act of Assembly Repeats and Subscribes the Oath of Abjuration and Test and then withdraws.

Mess.<sup>rs</sup> Thomas and Chamberlaine from the Lower House bring up the following Message.

By the Lower House of Assembly 4.<sup>th</sup> October 1771.

May it please your Honours

We are desirous of putting the Claims against the Publick into such a Channel as that they may be paid off and therefore request your Honours would Send Back the Journal of Accounts remaining with you ever since the End of the first Session in November last that we may make such Additions thereto as we may think just and reasonable.

Signed by Order. John Duckett Cl. Lo. ho.

The Journals of Accounts for the Years 1768, 1769, and 1770 are Sent to the Lower House by Walter Dulany Esquire

Adjourned until to Morrow Morning 10 of the Clock

Saturday Morning 5.<sup>th</sup> of October 1771.

Oct. 5

The House met again according to Adjournment

p. 529

Present as Yesterday except George Plater Esq

Adjourned until Monday Morning 10 of the Clock

U. H. J.  
Liber No. 36  
Oct. 7

Monday Morning 7.<sup>th</sup> of October 1771.

The House met again according to Adjournment

Present

The Honble	{	Benedict Calvert Esq	George Steuart Esq
		Daniel Dulany Esq	Daniel of Saint Thomas
		Walter Dulany Esq	Jenifer Esq
		John Beale Bordley Esq	

Mess.<sup>rs</sup> Ennalls and Handy attend with M.<sup>r</sup> Henry Steele a Member Elected for Dorchester County, M.<sup>r</sup> Littleton Dennis a Member Elected for Somerset County, and Mess.<sup>rs</sup> William Allen John Purnell Robins, and Peter Chaille Members Elected for Worcester County, to see them Qualified who take the several Oaths to the Government appointed to be taken by Act of Assembly Repeat and Subscribe the Oath of Abjuration and Test and then withdraw.

Mess.<sup>rs</sup> Veazey and Holland attend with M.<sup>r</sup> William Ward a Member Elected for Cecil County to see him Qualified who takes the several Oaths to the Government appointed to be taken by Act of Assembly Repeats and Subscribes the Oath of Adjuration and Test and then withdraws.

Adjourned until to Morrow Morning 10 of the Clock

Oct. 8

Tuesday Morning 8.<sup>th</sup> of October 1771.

The House met again according to Adjournment

Present as Yesterday and Col.<sup>o</sup> Hammond

Mess.<sup>rs</sup> Beall, Tyler, Weems, and Parran attend with M.<sup>r</sup> Richard Gresham a Member Elected for Kent County M.<sup>r</sup> Charles Grahame a Member Elected for Calvert County, and M.<sup>r</sup> Joseph Sim a Member Elected for Prince Georges County to see them Qualified who take the several Oaths to the Government appointed to be taken by Act of Assembly Repeat and Subscribe the Oath of Abjuration and Test and then withdraw.

Adjourned until to Morrow Morning 10 of the Clock

Oct. 9

Wednesday Morning 9.<sup>th</sup> of October 1771.

The House met again according to Adjournment

Present as Yesterday except Col.<sup>o</sup> Hammond

p. 530

Adjourned until to Morrow Morning 10 of the Clock



Thursday Morning 10.<sup>th</sup> of October 1771.

The House met again according to Adjournment

U. H. J.  
Liber No. 36  
Oct. 10

Present as Yesterday

Read and Referred to the Consideration of the Lower House of Assembly the Petition of the Rector Vestrymen and Church wardens, and sundry Inhabitants of Prince Georges Parish in Frederick and Prince Georges Counties; Also the Petition of the Vestrymen and Church wardens of Saint Lukes Parish in Queen Anns County

These Petitions were sent to the Lower House by Daniel of S.<sup>t</sup> Tho.<sup>s</sup> Jenifer Esq

Adjourned until to Morrow Morning 10 of the Clock

Friday Morning 11.<sup>th</sup> of October 1771

Oct. 11

The House met again according to Adjournment

Present as Yesterday and Col.<sup>o</sup> Hammond

Mess.<sup>rs</sup> Smallwood and Hawkins attend with M.<sup>r</sup> Francis Ware a Member Elected for Charles County to see him Qualified who takes the several Oaths to the Government appointed to be taken by Act of Assembly Repeats and Subscribes the Oath of Abjuration and Test and then withdraws.

Adjourned until to Morrow Morning 10 of the Clock

Saturday Morning 12.<sup>th</sup> of October 1771.

Oct. 12

The House met again according to Adjournment

Present as Yesterday except Col.<sup>o</sup> Hammond

Adjourned until Monday Morning 10 of the Clock

Monday Morning 14.<sup>th</sup> of October 1771.

Oct. 14

The House met again according to Adjournment

Present

The Honble {	Charles Hammond Esq	William Fitzhugh Esq
	Benedict Calvert Esq	Daniel of Saint Thomas
	Daniel Dulany Esq	Jenifer Esq
	Walter Dulany	George Plater Esq
	George Steuart Esq	

Mess.<sup>rs</sup> Wootton and Luckett bring up a Bill entitled An Act for vesting in such Foreign Protestants, as are now Naturalized or shall be hereafter Naturalized in this Province all the Rights and

U. H. J. Privileges of Natural Born Subjects Read the first and second  
 Liber No. 36 Time in the Lower House and will Pass which was Read the first  
 Oct. 14 and Second Time by an Especial Order in this House and will Pass.  
 So Endorsed and sent to the Lower House by William Fitzhugh  
 Esq

p. 531 Read and Referred to the Consideration of the Lower House of  
 Assembly the Petition of Eighteen Subscribing Clergymen on Behalf  
 of themselves and their Brethren. So Endorsed and Sent by George  
 Plater Esq

Read and Referred to the Consideration of the Lower House of  
 Assembly the Petition of Mary Louttit. So Endorsed and sent by  
 George Plater Esq

Adjourned until to Morrow Morning 10 of the Clock

Oct. 15 Tuesday Morning 15.<sup>th</sup> of October 1771.

The House met again according to Adjournment

Present as Yesterday except Col.<sup>o</sup> Hammond

Mess.<sup>rs</sup> Paca and Hall bring up a Bill entitled An Act for the  
 Adjournment and Continuance of the High Court of Appeals

Read the first and second Time in the Lower House and will pass  
 which was Read the first and Second Time by an Especial Order  
 in this House and will pass. So Endorsed and sent by George  
 Steuart Esq

Read the Petitions of Zachariah Bond jun.<sup>r</sup> and Alexius Spalding  
 languishing Prisoners in Saint Mary's County Goal, the Petitions  
 of Robert Horner and Barton Smoote languishing prisoners in  
 Charles County Goal, the Petition of John Miller a languishing  
 Prisoner in Calvert County Goal, the Petitions of John Lawton  
 Richard Davis Lawrence Robinson and Anthony Smith languishing  
 prisoners in Ann Arundel County Goal, the Petitions of Alexander  
 Monroe John Rourke, Hugh Woods Edward Robinson Richard  
 Crutchedley Aquila Gostnick, Thomas Rountree, William James,  
 John Serjeant, John Gordon Thompson, George Griffin George  
 Wells Owen Dunn and Basil Dunn, languishing Prisoners in Balti-  
 more County Goal, the Petitions of Joshua Bishop, John Kendall,  
 Thomas Cox Arrison George Akers Abraham Cord William Crossby,  
 John Wilson, George Griffin, Michael Trissler David Hellen and  
 William Parker languishing Prisoners in Frederick County Goal,  
 the Petitions of Daniel Pearce, Samuel Passmore, Guy Snow, An-  
 drew Coulter John Adams and Christopher Jones languishing Pris-  
 oners in Cecil County Goal the Petitions of Nathaniel Phillips, George  
 Porter Solomon Knott, Richard Tucker and William Chilton lan-  
 p. 532 guishing Prisoners in Queen Anns County Goal the Petitions of

Archibald Campbell and Abraham Covington languishing Prisoners in Somerset County Goal, which said Petitions are referred to the Consideration of the Lower House of Assembly, and sent by Daniel of Saint Tho.<sup>s</sup> Jenifer Esq

U. H. J.  
Liber No. 36  
Oct. 15

Mess.<sup>rs</sup> Wootton and Beatty bring up the two following Engrossed Bills Read and Assented to by the Lower House of Assembly.

A Bill entitled An Act for vesting in such Foreign Protestants as are now or shall be hereafter Naturalized in this Province all the Rights and Privileges of Natural Born Subjects

A Bill entitled An Act for the Adjournment and Continuance of the High Court of Appeals.

These Bills were Read and Assented to by this House and Ordered to be so Subscribed. The Paper Bills so Endorsed sent to the Lower House by Daniel Dulany Esquire

Adjourned until to Morrow Morning 10 of the Clock

Wednesday Morning 16.<sup>th</sup> of October 1771.

Oct. 16

The House met again according to Adjournment

Present as Yesterday

Mess.<sup>rs</sup> Wootton and Beatty bring up a Bill entitled An Act empowering the Justices of Prince Georges and Frederick Counties to Levy on the Taxable Persons of Prince Georges Parish in said Counties the Sum of Ninety six Thousand Pounds of Tobacco for Building a New Parish Church at or near the place where the Old one now Stands. Read the first and Second Time in the Lower House and will pass, which was Read the first and second Time by an especial Order in this House and will pass. So Endorsed and Sent to the Lower House by George Plater Esquire.

Read and referred to the Consideration of the Lower House of Assembly the Petition of the Vestrymen and Church Wardens of Stepney Parish in Somerset and Worcester Counties also two Petitions of sundry Inhabitants of said Parish. Sent by George Steuart Esq

Benedict Calvert and Walter Dulany Esquires are sent to acquaint the Lower House that His Excellency requires their Attendance in the Upper House immediately to see two Bills passed both Houses this Session receive the Assent

The Lower House attend and by their Speaker present to his Excellency the following Bills.

A Bill entitled An Act for vesting in such Foreign Protestants as are now Naturalized or shall be hereafter Naturalized in this Province all the Rights and Privileges of natural Born Subjects. p. 533



U. H. J. A Bill entitled An Act for the Adjournment and Continuance of  
 Liber No. 36 the High Court of Appeals.  
 Oct. 16

Both which His Excellency passed into Laws in the usual form by Sealing them with the Right Honourable the Lord Proprietary his Great Seal at Arms and Subscribing them On Behalf of the Right Honourable the Lord Proprietary of this Province I Will this be a Law.

Adjourned until to Morrow Morning 10 of the Clock

Oct. 17 Thursday Morning 17.<sup>th</sup> of October 1771.

The House met again according to Adjournment

Present as Yesterday and Col.<sup>o</sup> Hammond

Read and referred to the Consideration of the Lower House of Assembly the Petition of Frances Colvill, George Washington and John West Jun.<sup>r</sup> Executors of Thomas Colvill late of Fairfax County in Virginia and John Semple. So Endorsed and Sent by Daniel of Saint Thomas Jenifer Esq

Read and Rejected the Petition of Joseph Hobbs of Ann Arundel County

Adjourned until to Morrow Morning 10 of the Clock

Oct. 18 Friday Morning 18.<sup>th</sup> of October 1771.

The House met again according to Adjournment

Present as Yesterday

Read and referred to the Consideration of the Lower House of Assembly the Petition of John Horrell against the Releasement of Zachariah Bond Junior of Saint Marys County. So Endorsed and sent by Benedict Calvert Esq

Read and Rejected the Petition of sundry Inhabitants of Prince Georges Parish praying a Division of said Parish.

Read and Rejected the Petition of George Hunter of Charles County

Read and referred to the Consideration of the Lower House of Assembly the Petition of Frank Leake and George Digges Administrators of Charles Digges deceased, as also the Petition of sundry Inhabitants of Bladensburgh. These Petitions were severally Endorsed and sent to the Lower House by Benedict Calvert Esq

p. 534 Read the Petition of sundry Inhabitants of Baltimore and York Counties praying that a Road may be laid out leading from Rock Run on Susquehannah River also a Counter Petition to the same by Nathaniel Giles who prays to be heard by Council on the Merits before this House.

Resolved that this House will take into Consideration the said Petitions on Thursday the 31.<sup>st</sup> Instant at ten of the Clock in the Morning when the Parties may be heard by their Council.

U. H. J.  
Liber No. 36  
Oct. 18

Ordered that Nathaniel Giles give Notice to William Husbands of the above Resolve by Wednesday next at farthest.

Mess.<sup>rs</sup> Hall and eleven others bring up a Bill entitled An Act for amending the Staple of Tobacco for preventing Frauds in His Majestys Customs and for the Limitation of Officers Fees. Read the first and second Time in the Lower House and will pass which was Read the first Time in this House and Ordered to lie on the Table.

On Application Summons's were issued for William Cox Isaac Webster James Webster, Thomas Smith Jeremiah Sheredine Nathan Rigbie, Daniel Preston Sen.<sup>r</sup> John Wilson, Andrew Lendrum, and John Tolley of Baltimore County and Philip Cole of Cecil County, to Testify on Behalf of Nathaniel Giles, the Truth of their Knowledge of sundry Facts Set forth in two Petitions Signed by sundry Inhabitants of Baltimore and York Counties praying that a publick Road may be opened from Rock Run to Foy's Landing, on Susquehannah River, now before this House

Adjourned until to Morrow Morning 10 of the Clock

Saturday Morning 19.<sup>th</sup> of October 1771.

Oct. 19

The House met again according to Adjournment

Present as Yesterday except Col.<sup>o</sup> Hammond

Mess.<sup>rs</sup> Smallwood and Mackall bring up a Bill entitled An Act for Issuing Writs of Replevin out of the County Courts within this Province

Read the first and second Time in the Lower House and will pass. Which was Read the first Time in this House and Ordered to lie on the Table

Mess.<sup>rs</sup> Veazey and Earle bring up the two following. Read the first and Second Time in the Lower House and will pass.

A Bill entitled An Act continuing An Act entitled an Act for the Preservation of the Breed of Fish.

A Bill entitled An Act continuing an Act entitled An Act to Establish a Market at the Market House in Chester Town in Kent County and for the Regulation of the said Market. These two Bills were Read the first and second Time by an especial Order in this House and will Pass. So Endorsed and sent to the Lower House by Daniel of S.<sup>t</sup> Tho.<sup>s</sup> Jenifer Esq

Adjourned until Monday Morning 10 of the Clock

U. H. J.  
Liber No. 36  
Oct. 21

Monday Morning 21.<sup>st</sup> of October 1771

The House met again according to Adjournment

Present

The Honble	{	Charles Hammond Esq	William Fitzhugh Esq
		Benedict Calvert Esq	George Plater Esq
		Daniel Dulany Esq	and
		Walter Dulany Esq	Daniel of S. <sup>t</sup> Thomas
		George Steuart Esq	Jenifer Esq
	{	John Beale Bordley Esq	

Adjourned until to Morrow Morning 10 of the Clock

Oct. 22

Tuesday Morning 22.<sup>d</sup> of October 1771.

The House met again according to Adjournment

Present as Yesterday.

On Application made by William Husbands Summons's Issued for Richard Seward Oliver White James Fisher William Welch, Samuel Hopkins and David Clarke to Testify on Behalf of the Petitioners for opening a publick Road from Rock Run to Foys Landing, on Susquehannah River

Adjourned until 3 of the Clock in the Afternoon

Eodem Die post Meridiem

The House met again according to Adjournment

Present as in the Morning

Adjourned until to Morrow Morning 10 of the Clock

Oct. 23

Wednesday Morning 23.<sup>d</sup> October 1771.

The House met again according to Adjournment.

Present as Yesterday.

Mess.<sup>rs</sup> Dennis and Handy attend with M.<sup>r</sup> Levin Gale, a Member Elected for Somerset County to see him Qualified who takes the several Oaths to the Government appointed to be taken by Act of Assembly Repeats and Subscribes the Oath of Abjuration and Test and then withdraws.

p. 536

Mess.<sup>rs</sup> Beall and Contee bring up a Bill entitled A Supplementary Act to the Act entitled An Act for the Building a Parish Church in Queen Anne Parish in Prince Georges County. Read the first and second Time in the Lower House and will Pass, which was Read the first and second Time by an Especial Order in this House and will pass. So Endorsed and Sent to the Lower House by George Plater Esq



Mess.<sup>rs</sup> Mackall and Handy bring up the two following Bills, Read the first and Second Time in the Lower House and will Pass.

U. H. J.  
Liber No. 36  
Oct. 23

A Bill entitled a Supplementary Act to the Act entitled An Act for the Building of a Parish Church in Christ Church Parish in Calvert County

A Bill entitled "An Act to empower the Justices of Somerset and Worcester Counties to Levy on the Taxable Inhabitants of Stepney, Parish in said Counties the Sum of Sixty Thousand Pounds of Tobacco for the uses therein mentioned, and to establish the Church at Greenhill the Parish Church for said Parish." These two Bills were Read the first and second Time by an especial Order in this House and will pass. So Endorsed and sent to the Lower House by William Fitzhugh Esq

Read and referred to the Consideration of the Lower House of Assembly the Petition of Elizabeth Williams of Baltimore County Widow and Administratrix of George Williams deceased. So Endorsed and Sent by George Steuart Esquire.

Read and Rejected the Petition of John Purnell Robins of Worcester County.

Read and Referred to the Consideration of the Lower House of Assembly the Petition of the Rector Vestrymen and sundry Inhabitants of All Hallows Parish in Worcester County. So Endorsed and Sent by George Steuart Esq

Read and Rejected the Petition of the Rector and Vestrymen of Saint Mary Annes Parish in Cecil County

Adjourned until to Morrow Morning 10 of the Clock

Thursday Morning 24.<sup>th</sup> October 1771.

Oct. 24

The House met again according to Adjournment

Present as Yesterday and William Hayward Esq

Mess.<sup>rs</sup> Paca and Johnson bring up the three following Bills Read the first and second Time in the Lower House and will pass.

A Bill entitled An Act for imposing a further additional Duty of five Pounds Current Money per poll on all Negroes imported into this Province

p. 537

A Bill entitled An Act for more effectually preventing the Buying and Selling of Offices, and to prevent Simoniackal Contracts

A Bill entitled, An Act to aid defective common Recoveries. These three Bills were Read the first Time in this House and Ordered to lie on the Table.

Read and referred to the Consideration of the Lower House of Assembly the Petition of the Trustees of the poor for Ann Arundel County. So Endorsed and sent by Benedict Calvert Esq

Adjourned until to Morrow Morning 10 of the Clock

U. H. J.  
Liber No. 36  
Oct. 25

Friday Morning 25.<sup>th</sup> of October 1771.

The House met again according to Adjournment

Present as Yesterday.

On Motion leave is given to bring in a Bill entitled An Act for preventing Trivial Suits in the Provincial Court which being brought in immediately was Read the first and Second Time by an Especial Order and will pass. So Endorsed and sent to the Lower House by William Hayward Esq

Read the second Time in this House a Bill entitled An Act for imposing a further additional Duty of Five Pounds Current Money per poll on all Negroes imported into this Province, and will pass So Endorsed and sent to the Lower House by Dan.<sup>1</sup> of S.<sup>t</sup> Tho.<sup>s</sup> Jenifer Esq

Adjourned until to Morrow Morning 10 of the Clock

Oct. 26

Saturday Morning 26.<sup>th</sup> of October 1771.

The House met again according to Adjournment

Present as Yesterday.

Mess.<sup>rs</sup> Allen and Chaille bring up a Bill entitled An Act to empower the Justices of Worcester County to Levy on the Taxable Inhabitants of All Hallows Parish in said County the Quantity of Thirty two Thousand Pounds of Tobacco for the uses therein mentioned.

Read the first and second Time in the Lower House and will pass which said Bill was Read the first and second Time by an especial Order in this House and will pass; So Endorsed and Sent to the Lower House by Daniel Dulany Esq

Adjourned until Monday Morning 10 of the Clock

Oct. 28  
p. 538

Monday Morning 28.<sup>th</sup> of October 1771.

The House met again according to Adjournment

Present

The Honble {	Daniel Dulany Esq	William Hayward Esq
	Walter Dulany Esq	and
	George Steuart Esq	Daniel of Saint Thomas Jenifer Esq

Adjourned until to Morrow Morning 10 of the Clock

Tuesday Morning 29.<sup>th</sup> of October 1771.

The House met again according to adjournment

U. H. J.  
Liber No. 36  
Oct. 29

Present as Yesterday and Col.<sup>o</sup> Hammond

Mess.<sup>rs</sup> Dennis and Handy attend with M.<sup>r</sup> John Adams, a Member Elected for Somerset County to see him Qualified who takes the several Oaths to the Government appointed to be taken by Act of Assembly Repeats and Subscribes the Oath of Abjuration and Test and then withdraws.

Read and referred to the Consideration of the Lower House of Assembly the Petition of Robert Campbell, Robert Brown, James Anderson and John Kerr against the Releasement of Richard Tucker of Queen Anns County. So Endorsed and Sent by Daniel of Saint Thomas Jenifer Esq

Read the Petition of Francis Noble a languishing prisoner in Saint Marys County Goal, the Petitions of Nathaniel Smith and George Baxter languishing prisoners in Baltimore County Goal, the Petitions of Thomas Standage, Ambrose Lawrence and Zachariah Bond languishing Prisoners in Prince Georges County Goal the Petitions of Richard Scott and Nicholas Sillers languishing prisoners in Ann Arundel County Goal, the Petition of William Rye a languishing prisoner in Charles County Goal, the Petition of James Stradley a languishing prisoner in Talbot County Goal, the Petitions of Edward Emory, and John Posey languishing Prisoners in Queen Anns County Goal, and, the Petition of Thomas Stoakes a languishing Prisoner in Dorchester County Goal, which said Petitions are referred to the Consideration of the Lower House of Assembly and Sent by Daniel of Saint Thomas Jenifer Esq.

Read and Rejected the Petitions of Alexander Symmer of Prince Georges County, Thomas Reeder junior of Charles County and John Jackson of Talbot County.

Adjourned until to Morrow Morning 10 of the Clock

p. 539

Wednesday Morning 30.<sup>th</sup> of October 1771.

Oct. 30

The House met again according to Adjournment

Present as Yesterday and William Fitzhugh and Ge.<sup>o</sup> Plater Esq.<sup>rs</sup>

Mess.<sup>rs</sup> Worthington and Allen bring up a Bill entitled An Act for preventing Trivial Suits in the Provincial Court. Read the first and Second Time in the Lower House and will Pass which was Read in this House and passed for Engrossing.

Mess.<sup>rs</sup> Gresham and Rumsey attend with M.<sup>r</sup> Robert Buchanan a Member Elected for Kent County to see him Qualified, who takes the several Oaths to the Government appointed to be taken by Act



U. H. J. of Assembly Repeats and Subscribes the Oath of Abjuration and  
 Liber No. 36 Test and then withdraws  
 Oct. 30

Read and referred to the Consideration of the Lower House of Assembly the Petition of the Rector Vestrymen and sundry Inhabitants of Saint Pauls Parish in Baltimore County. So Endorsed and sent [by] William Hayward Esquire.

The following Message is Sent to the Lower House by William Fitzhugh Esquire.

By the Lower [Upper] House of Assembly 30.<sup>th</sup> October 1771.  
 Gentlemen

Upon Consideration of the Bill entitled An Act for amending the Staple of Tobacco for preventing Frauds in his Majestys Customs and for the Limitation of Officers Fees. We find many parts in it of such a nature as cannot with any Reason or Justice be passed as they now stand but as the Welfare and Prosperity of the Province depend so very much on the Success of this Bill, We desire a Conference with your House on the Subject Matter thereof.

Signed by Order. UScott. Cl. Upp. Ho.

Adjourned until to Morrow Morning 10 of the Clock

Oct. 31 Thursday Morning 31.<sup>st</sup> of October 1771.

The House met again according to Adjournment

Present as Yesterday and John Beale Bordley Esq

p. 540 On Application of William Husbands Summons's Issued for Thomas Taylor (returnable immediately) to Testify on Behalf of the Petitioners for Opening a Road from Rock Run to Foy's Landing on Susquehanna River.

Mess.<sup>rs</sup> Allen and Thomas bring up a Bill entitled An Act for the Trial of all Matters of Fact in the several Counties where they have arisen or shall arise. Read the first and second Time in the Lower House and will Pass.

The House agreeable to the Order of the Day proceeded to hear Council for and against the Petitions of sundry Inhabitants of Baltimore and York Counties, praying a publick Road may be opened from Rock Run to Foy's Landing, on Susquehanna River, and after Examining sundry Evidences on Behalf of the Petitioners, referred the Consideration of the said Petitions until the Afternoon.

Mess.<sup>rs</sup> Hall and Handy from the Lower House bring up the following Message

By the Lower House of Assembly 31.<sup>st</sup> October 1771.  
 May it please your Honours

In Answer to your Message of Yesterday by William Fitzhugh Esq this House esteeming the Bill entitled An Act for amending

the Staple of Tobacco for preventing Frauds in His Majestys Customs and for the Limitation of Officers Fees liable to no Objection but joining in Sentiment with your Honours of the great Utility of that Bill and that the Welfare and Prosperity of the Province depend much on the Success thereof have agreed to a Conference thereupon and in Order thereto have appointed M.<sup>r</sup> Grahame, M.<sup>r</sup> Tilghman, M.<sup>r</sup> Johnson, M.<sup>r</sup> Hall, M.<sup>r</sup> Chase M.<sup>r</sup> Hammond, and M.<sup>r</sup> Dennis as Conferees from this House to join any Members your House shall appoint for that Purpose.

U. H. J.  
Liber No. 36  
Oct. 31

Signed by Order John Duckett Cl. Lo. ho.

Mess.<sup>rs</sup> Smallwood and Harrison bring up a Bill entitled An Act to remedy divers Defects in the Records of Charles County. Read the first and Second Time in the Lower House and will pass.

Adjourned until three of the Clock in the Afternoon

Eodem Die post Meridiem

p. 541

The House met again according to Adjournment

Present as in the Morning

The House resumed the Consideration of the Petitions for and against the opening of a Publick Road from Rock Run to Foys Landing on Susquehannah River, and after Examining sundry Evidences and hearing Council in Support of the said Petitions Postponed the further Consideration thereof until to Morrow Morning.

Adjourned until to Morrow Morning 10 of the Clock

Friday Morning 1.<sup>st</sup> November 1771.

Nov. 1

The House met again according to Adjournment

Present as Yesterday except Col.<sup>o</sup> Hammond.

John Ridout Esq appeared in the House.

His Excellency was pleased to Communicate to this House the following Message

Gentlemen of the Upper House of Assembly

Understanding that a Conference is to take place between the two Houses on the depending Inspection Bill, and recollecting what passed at the last Session in respect of the Clergys Dues I think myself Obliged to inform you that if a similar Regulation to what was then proposed should be Established, many Ministers who now have but a Scanty Provision would be reduced to a State of much Indigence and Distress, and that it will not be in my power to Assent to such a Regulation. I do not know whether this Intimation may be consistent with the usual manner of Proceeding or not but I hope

U. H. J. you will think it agreeable to the Character of Candour and justified  
 Liber No. 36 by the Occasion.  
 Nov. 1

1.<sup>st</sup> Nov.<sup>r</sup> 1771.

Rob.<sup>t</sup> Eden

Mess.<sup>rs</sup> Moale and Risteau bring up a Bill entitled An Act to prevent the Exportation of Flour, Staves and Shingles not Merchantable from the Town of Baltimore or Fells Point in Baltimore County and to Regulate the Weight of Hay and Measure of Grain  
 p. 542 Salt Flax-seed and Firewood within the said Town. Read the first and Second Time in the Lower House and will pass.

Mess.<sup>rs</sup> Wootton and Luckett bring up a Bill entitled An Act to prevent the Exportation of Flour not Merchantable from George Town in Frederick County. Read the first and Second Time in the Lower House and will Pass.

The Engrossed Bill entitled An Act for preventing Trivial Suits in the Provincial Court was Read and Assented to by this House and Sent to the Lower House with the Paper Bill by John Ridout Esquire.

Read and referred to the Consideration of the Lower House of Assembly the Petition of Gilbert Barrow of Talbot County praying for a Divorce

The House agreeable to the Order of the Day resumed the Consideration of the Petitions for and against the Opening a Publick Road from Rock Run to Foy's Landing on Susquehannah River, and referred the same together with the Counter Petition of Nathaniel Giles to the Consideration of the Lower House of Assembly. So Endorsed and Sent by Daniel of Saint Thomas Jenifer Esq

Read the Petition of Charles Dickinson, Robert Goldsborough, Robert Harrison and John Goldsborough of Dorchester County, and the Petition of Samuel Litten of Baltimore County, which said Petitions are referred to the Consideration of the Lower House of Assembly, and sent by Daniel of Saint Thomas Jenifer Esq

Read and Rejected the Petition of sundry people called Quakers

The following Message is Sent to the Lower House by William Hayward Esquire

By the Upper House of Assembly 1.<sup>st</sup> November 1771.  
 Gentlemen

This House hath appointed the Honourable Benedict Calvert Daniel Dulany, John Ridout, John Beale Bordley and William Hayward Esquires to join the Members, named by your House, in a Conference as agreed to in your Message of Yesterday by Mess.<sup>rs</sup> Hall and Handy.

Signed by Order. UScott Cl. Up. Ho.

p. 543 Read the first Time in this House and Ordered to lie on the Table the three following Bills



A Bill entitled An Act to remedy divers Defects in the Records of Charles County.

U. H. J.  
Liber No. 36  
Nov. 1

A Bill entitled an Act to prevent the Exportation of Flour Staves and Shingles not Merchantable from the Town of Baltimore or Fells Point in Baltimore County and to Regulate the Weight of Hay and Measure of Grain Salt Flax seed and Firewood within the said Town.

A Bill entitled An Act to prevent the Exportation of Flour not Merchantable from George Town in Frederick County.

Adjourned until to Morrow Morning 10 of the Clock

Saturday Morning 2.<sup>d</sup> of November 1771.

Nov. 2

The House met again according to Adjournment

Present as Yesterday.

Mess.<sup>rs</sup> Deye and Moale bring up a Bill entitled An Act for confirming to Samuel Cookson of Baltimore County sundry Lands therein mentioned. Read the first and second Time in the Lower House and will pass, which was Read the first Time in this House and Ordered to lie on the Table

Read and referred to the Consideration of the Lower House of Assembly the Petition of sundry Dissenters of Saint Pauls Parish in Baltimore County as also the Petition of Christopher Stowder of Frederick County. These Petitions were severally Endorsed and sent by William Hayward Esq

Read the first Time in this House a Bill entitled An Act for the Trial of all Matters of Fact in the several Counties where they have arisen or shall arise, and ordered to lie on the Table.

Adjourned until Monday Morning 10 of the Clock

Monday Morning 4.<sup>th</sup> of November 1771.

Nov. 4

The House met again according to Adjournment

Present

p. 544

The Honble	{	Benedict Calvert Esq	William Fitzhugh Esq
		Daniel Dulany Esq	William Hayward Esq
		John Ridout Esq	Daniel of Saint Thomas
		Walter Dulany Esq	Jenifer Esq
		John Beale Bordley Esq	George Plater Esq
		George Steuart Esq	

Mess.<sup>rs</sup> Worthington and Deye bring up the Paper Bill entitled an Act for preventing Trivial Suits in the Provincial Court, thus Endorsed, By the Lower House of Assembly Nov.<sup>r</sup> 4.<sup>th</sup> 1771. The Engrossed Bill, whereof this is the Original is Read and Assented to.

Signed by Order John Duckett Cl. Lo. ho.

U. H. J.  
Liber No. 36  
Nov. 4

Mess.<sup>rs</sup> Worthington and Deye bring up a Bill entitled An Act to enable the Commissioners for Emitting Bills of Credit to pay to John Duckett William Mills, John Peacock, and Ann Gaither the Sums of Money therein mentioned. Read the first and second Time in the Lower House and will pass, which was Read the first Time in this House and Ordered to lie on the Table.

Read the second Time in this House a Bill entitled An Act for confirming to Samuel Cookson of Baltimore County, sundry Lands therein mentioned and will pass with the following Amendment Viz.<sup>t</sup>

After the word paid in the last line of the last page add as follows Viz.<sup>t</sup> Saving to the Heirs of the said William Bond the Liberty of shewing Cause if any the said Heirs have or can shew to the Chancellor of this Province for the time being, at any time within six Months after the said Heirs shall arrive at the Age of Twenty one Years, why the Contract and Obligation aforesaid, by the said Samuel Cookson entered into with the said William Bond, ought not to have been Specifically performed, and upon such Cause shewn to the Satisfaction of the said Chancellor then and in such Case this Act shall be void any Clause matter or Thing herein contained to the Contrary notwithstanding. So Endorsed and sent to the Lower House by John Beale Bordley Esq

Read and referred to the Consideration of the Lower House of Assembly the Petition of a number of Inhabitants and Proprietors of Lotts on Fells Prospect in Baltimore County. So Endorsed and Sent by John Beale Bordley Esq

Read the second Time in this House a Bill entitled “An Act to remedy divers Defects in the Records of Charles County,” and will pass with the following Amendments Viz.<sup>t</sup> After the word times in the last line of the second Page insert the words “in his Office”

After the word “direct” in the third line of the third Page Strike out all that follows to the End of the fifth line inclusive. After the word “Commissioners” in the sixth line of the same Page, insert the words “and Clerk.” So Endorsed and sent to the Lower House by William Fitzhugh Esq

Read the second Time in this House, a Bill entitled “An Act to prevent the Exportation of Flour not Merchantable from George Town in Frederick County” and will pass with the following Amendments Viz.<sup>t</sup> In the third line from the Bottom of the third page instead of “Two Pounds” insert “One Pound.” The same Amendment in the Fifth and Tenth lines of the fourth Page. Before the word “Potowmack” in the Tenth line of the fifth Page, insert “George Town.” After the word “Exportation” in the fourth line from the Bottom of the 7.<sup>th</sup> Page insert “from out of Potowmack River”

After the word “Flour” in the third Line from the Bottom of

the seventh Page Insert "which shall be brought to George Town aforesaid and." Before the word "Examined" in the same Page and line insert the word "be." Leave out the words "from out of Potowmack River" in the second and third line from the Bottom of the 7.<sup>th</sup> page

U. H. J.  
Liber No. 36  
Nov. 4

After the word "Oaths" in the fourth line from the Bottom of the 10.<sup>th</sup> Page, Insert "or Affirmations" leave out the word "make" in the fourth line from the Bottom of the last Page. So Endorsed and Sent to the Lower House by William Fitzhugh Esq

Mess.<sup>rs</sup> Worthington and Weems bring up the following Engrossed Bills, Read and Assented to by the Lower House of Assembly.

A Bill entitled "An Act empowering the Justices of Prince Georges and Frederick Counties to levy on the Taxable persons of Prince Georges Parish in said Counties, The Sum of Ninety six Thousand Pounds of Tobacco for Building a new Parish Church at or near the Place where the Old one now stands." p. 546

A Bill entitled "A Supplementary Act to the Act entitled an Act for the Building a Parish Church in Queen Ann Parish in Prince Georges County."

A Bill entitled "An Act continuing an Act entitled An Act to Establish a Market at the Market House in Chester Town in Kent County; and for the Regulation of the said Market."

A Bill entitled "An Act continuing an Act entitled, An Act for the Preservation of the Breed of Fish."

A Bill entitled "An Act for imposing a further additional Duty of five Pounds Current Money per poll on all Negroes imported into this Province."

A Bill entitled "A Supplementary Act to the Act entitled "An Act for the Building of a Parish Church in Christ Church Parish in Calvert County."

A Bill entitled "An Act to empower the Justices of Somerset and Worcester Counties to Levy on the Taxable Inhabitants of Stepney Parish in said Counties the Sum of Sixty Thousand Pounds of Tobacco for the Uses therein mentioned, and to establish the Church at Greenhill the Parish Church for said Parish."

A Bill entitled "An Act to empower the Justices of Worcester County to Levy on the Taxable Inhabitants of All Hallows Parish in said County, the Quantity of thirty two Thousand Pounds of Tobacco for the uses therein mentioned." These Bills were severally Read and Assented to by this House and Ordered to be so Subscribed; The Paper Bills so Endorsed are sent to the Lower House by Benedict Calvert Esq

Adjourned until to Morrow Morning 10 of the Clock



U. H. J.  
Liber No. 36  
Nov. 5

Tuesday Morning 5.<sup>th</sup> of November 1771.

The House met again according to Adjournment

Present as Yesterday.

Mess.<sup>rs</sup> Luckett and Beatty bring up a Bill entitled “An Act to  
p. 547 prohibit raising Swine and Geese in George Town in Frederick  
County.”

Read the first and second Time in the Lower House and will  
pass which was Read the first and second time, by an especial  
Order in this House and will pass, So Endorsed and Sent to the  
Lower House by George Plater Esquire.

Mess.<sup>rs</sup> Chamberlaine and Earle bring up a Bill entitled “An  
Act for raising four pence Sterling on every Hogshead of Tobacco  
Exported out of this Province, for the Support of an Agent at  
London for the Service of this Province.” Read the first and  
second Time in the Lower House and will pass,” which was Read  
the first Time in this House, and ordered to lie on the Table.

Mess.<sup>rs</sup> Smallwood and Parran bring up a Bill entitled “An  
Act for Licensing Ordinary Keepers, Hawkers Pedlars, and Petty  
Chapmen.” Read the first and Second Time in the Lower House  
and will Pass.

Adjourned until three of the Clock in the Afternoon

Eodem Die post Meridiem

The House met again according to Adjournment

Present as in the Morning

Adjourned until to Morrow Morning 10 of the Clock

Nov. 6

Wednesday Morning 6.<sup>th</sup> of November 1771.

The House met again according to Adjournment

Present as Yesterday.

Mess.<sup>rs</sup> Beatty and Wootton bring up a Bill entitled “An Act to  
divide Prince Georges Parish in Frederick County and to erect one  
new Parish, by the name of Christ Church Parish.” Read the first  
and Second Time in the Lower House and will Pass, which was  
Read the first Time in this House and ordered to lie on the Table.

Mess.<sup>rs</sup> Mackall and Moale bring up an Engrossed Bill entitled  
“An Act for Confirming to Samuel Cookson of Baltimore County  
sundry Lands therein mentioned.” Read and Assented to by the  
p. 548 Lower House of Assembly, which was Read and Assented to by  
this House and ordered to be so Subscribed; the Paper Bill so En-  
dorsed was Sent to the Lower House by George Plater Esq

Read the first Time in this House a Bill entitled "An Act for Licensing Ordinary Keepers, Hawkers Pedlars and Petty Chapmen," and ordered to lie on the Table.

U. H. J.  
Liber No. 36  
Nov. 6

Read and referred to the Consideration of the Lower House of Assembly, the Petition of Jane Ridgely, of Ann Arundel County; So Endorsed and sent by Daniel of Saint Thomas Jenifer Esq

Adjourned until to Morrow Morning 10 of the Clock

Thursday Morning 7.<sup>th</sup> of November 1771.

Nov. 7

The House met again according to Adjournment

Present as Yesterday and Col.<sup>o</sup> Hammond

Read and referred to the Consideration of the Lower House of Assembly, the Petitions of Robert Wood, and John Culbreath languishing Prisoners in Queen Anns County Goal, and the Petition of Charles Lyn a languishing Prisoner in Baltimore County Goal. These Petitions were severally Endorsed and Sent by William Fitzhugh Esq

Mess.<sup>rs</sup> Deye and Moale bring up a Bill entitled "An Act reviving and continuing an Act entitled an Act for amending and repairing the Publick Roads in Baltimore County," Read the first and second time in the Lower House and will Pass, which was Read the first and second Time, by an especial Order in this House, and will Pass. So Endorsed and sent to the Lower House by William Fitzhugh Esq

Read and Rejected the Petition of Zachariah Strouble of Baltimore County, praying that a Road may be laid out to his Mill.

Read the second Time in this House, a Bill entitled "An Act to divide Prince Georges Parish in Prince Georges and Frederick Counties and to Erect one new Parish by the name of Christ Church Parish" and will Pass. So Endorsed and Sent to the Lower House by George Steuart Esq

Read the second Time in this House a Bill Entitled "An Act to enable the Commissioners for Emitting Bills of Credit to pay to John Duckett, William Mills, John Peacock, and Anne Gaither the Sums of Money therein mentioned," and will Pass with the following Amendments Viz.<sup>t</sup> Leave out all that relates to the Payment of One Hundred and thirty six Dollars to M.<sup>r</sup> John Duckett and lett an Allowance be made to him on the Journal of Accounts in the same manner as Allowances have been usually made to others for similar Services. So Endorsed and Sent to the Lower House by George Steuart Esquire.

p. 549

Read the second Time in this House a Bill entitled "An Act for Licensing Ordinary Keepers, Hawkers Pedlars, and Petty Chap-

U. H. J. men" and will pass with the following Amendment Viz.<sup>t</sup> Leave  
 Liber No. 36 out from the word "aforesaid" in the first Line of the Twenty first  
 Nov. 7 page to the word "House" in the fourth Line of the same Page. So  
 Endorsed and sent to the Lower House by George Steuart Esq

Mess.<sup>rs</sup> Ennals and W. Richardson bring up a Bill entitled "A Sup-  
 plementary Act to the Act entitled An Act to enable the Justices of  
 Dorchester County to assess and levy on the Taxable Inhabitants of  
 the said County, a Quantity of Tobacco for the Purpose of building  
 a Court House." Read the first and second Time in the Lower House  
 and will Pass, which was Read the first and second Time by an  
 especial Order in this House and will Pass. So Endorsed and Sent  
 by William Hayward Esq

Adjourned until to Morrow Morning 10 of the Clock

Nov. 8 Friday Morning 8.<sup>th</sup> of November 1771.

The House met again according to Adjournment

Present as Yesterday except Col.<sup>o</sup> Hammond

Read the Second Time in this House a Bill entitled "An Act to  
 prevent the Exportation of Flour Staves, and Shingles not Mer-  
 chantable from the Town of Baltimore, or Fells Point in Baltimore  
 County and to regulate the Weight of Hay, and Measure of Grain,  
 Salt Flaxseed, and Fire-wood within the said Town" and will Pass  
 with the following Amendments Vizt. In the 10<sup>th</sup> Line of the second  
 Page, instead of the words "any number of Persons not exceeding  
 three" insert the words "a Person." Instead of the word "Inspectors"  
 in the 11.<sup>th</sup> line of the same Page insert the words "an Inspector."  
 After the word "Town" in the 12.<sup>th</sup> line of the same Page insert  
 the words "and at Fells Point." Leave out from the word "Discre-  
 tion" in the 12.<sup>th</sup> line of the 2.<sup>d</sup> Page to the word "Discretion"  
 inclusive in the fourteenth line of the same Page. After the word  
 "Town" in the 7.<sup>th</sup> line from the bottom of the 2.<sup>d</sup> Page insert the  
 words "and at Fells Point." After the word "Town" in the fourth  
 Line from the bottom of the same Page, Insert "and at Fells Point."  
 Instead of the word "Inspectors" in the 5.<sup>th</sup> line of the third Page,  
 insert "Inspector." Instead of the word "or" after the word "Balti-  
 more" in the same line insert "and" and leave out the words "as  
 the Case may be." After the word "Baltimore" in the 7.<sup>th</sup> line of the  
 3.<sup>d</sup> Page insert "and Fells Point." Instead of the words "any one  
 of the Inspectors" in the 2.<sup>d</sup> line of the 6.<sup>th</sup> Page, insert the words  
 "the Inspector." In the fourth line from the Bottom of the seventh  
 Page, leave out the words "Inspectors aforesaid or one of them" and  
 insert the word "Inspector." In the third line from the bottom of  
 the 9.<sup>th</sup> page leave out the words "three persons and each of them"  
 and insert the words "Inspector of Flour" and in the same line



instead of the word "their" insert the word "his." Instead of the word "them" in the second line from the bottom of the same Page insert the word "him." After the word "Baltimore" in the 6th line of the 10.<sup>th</sup> page, insert, "or Fells Point." After the word "Town" in the 9.<sup>th</sup> line of the 12.<sup>th</sup> page insert, "or Fells Point."

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Nov. 8

In the 4.<sup>th</sup> line of the 20.<sup>th</sup> Page instead of the word "Inspectors" insert the word "Inspector." In the 10.<sup>th</sup> line of the 21.<sup>st</sup> page, instead of the words "any of the said Inspectors" insert the words "the Inspector." After the word "and" in the 11.<sup>th</sup> line of the same page insert "is" instead of "are." After the word "Refusal" in the 14.<sup>th</sup> line of the 21.<sup>st</sup> page insert the following Clause Viz.<sup>t</sup> "And whereas it may sometimes happen that by reason of a great Quantity of Flour being brought at once to Baltimore Town, and Fells Point, the Person who shall be appointed Inspector of Flour cannot alone with sufficient Dispatch, inspect and brand all such Flour, and as it is apprehended that the most likely means to support the Credit of the Inspection Brand is to make one Inspector Answerable Be it Enacted that the Person to be by the Commissioners chosen and appointed Inspector of Flour, shall, or may, on such Occasions only, or in case of Sickness, employ one, or more person of good Repute, and well Qualified for such Service, as Assistants to assist him in the Execution of his said Office, and such Assistants after taking the Oaths, or Affirmations herein prescribed, to be taken by the Inspector of Flour, are hereby authorized to Inspect and Brand any Barrels of Flour at Baltimore Town, or Fells Point, as the Inspector himself might do"

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After the word "Oaths" in the 16.<sup>th</sup> line of the 21.<sup>st</sup> Page insert the words "or Affirmations." So Endorsed and sent to the Lower House by John Ridout Esq

Mess.<sup>rs</sup> Wootton and Ristean bring up a Bill entitled "An Act for the Relief of certain Prisoners in the several Goals therein mentioned." Read the first and second Time in the Lower House and will pass, which was Read the first Time in this House and ordered to lie on the Table.

Mess.<sup>rs</sup> Wootton and Ristean bring up the following Engrossed Bills Read and Assented to by the Lower House of Assembly.

A Bill entitled "An Act to prohibit raising of Swine and Geese in George Town in Frederick County."

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A Bill entitled "An Act reviving and continuing an Act entitled an Act for amending and repairing the Publick Road[s] in Baltimore County."

A Bill entitled "An Act to divide Prince Georges Parish in Frederick and Prince Georges Counties and to Erect a new Parish by the name of Christ Church Parish." These three Bills were Read and Assented to by this House and ordered to be so Subscribed, the

U. H. J. Paper Bills so Endorsed, are Sent to the Lower House by [Daniel of  
Liber No. 36 Saint Thomas Jenifer]  
Nov. 8

Mess.<sup>rs</sup> Beatty and Wootton bring up a Bill entitled “An additional Supplementary Act to the Act, entitled, An Act for the Relief of the poor within the several Counties therein mentioned.” Read the first and second Time in the Lower House and will Pass, which was Read the first and Second Time by an especial Order in this House and will Pass. So Endorsed and sent to the Lower House by [Daniel of Saint Thomas Jenifer]

Mess.<sup>rs</sup> Beatty and Wootton bring up an Engrossed Bill entitled “An Act to prevent the Exportation of Flour not Merchantable, from George Town in Frederick County.” Read and Assented to by the Lower House of Assembly which was Read and Assented to by this House and ordered to be so Subscribed, the Paper Bill so Endorsed sent to the Lower House by [Daniel of Saint Thomas Jenifer]

Adjourned until to Morrow Morning 10 of the Clock

Nov. 9 Saturday Morning 9.<sup>th</sup> of November 1771.

The House met again according to Adjournment

Present as Yesterday

Mess.<sup>rs</sup> Chase and Grahame bring up a Bill entitled “An Act for the further Emission of Bills of Credit.” Read the first and second Time in the Lower House, and will Pass, which was Read the first and second Time, by an especial Order in this House and will Pass with the following Amendments Vizt. Leave out what follows the word “Interest” in the 4.<sup>th</sup> line of the 29.<sup>th</sup> Page, to the word “direct” inclusive in the 3.<sup>d</sup> line of the same Page. So Endorsed and Sent to the Lower House by John B. Bordley Esq

Mess.<sup>rs</sup> Chase and Grahame bring up a Bill entitled “An Act continuing an Act entitled, an Act for Licensing Ordinary Keepers Hawkers Pedlars and Petty Chapmen.” Read the first and second Time in the Lower House and will Pass which was Read the first and second Time by an especial Order in this House and will Pass, So Endorsed and sent to the Lower House by John Beale Bordley Esq

Mess.<sup>rs</sup> Ennals and Joseph Richardson bring up an Engrossed Bill entitled “A Supplementary Act to the Act entitled An Act to enable the Justices of Dorchester County Court, to Assess and Levy on the Taxable Inhabitants of the said County a Quantity of Tobacco for the Purpose of Building a Court House.” Read and Assented to by the Lower House of Assembly, which was Read and Assented to by this House and ordered to be so Subscribed, the Paper Bill so Endorsed and sent to the Lower House by Daniel Dulany Esq

Mess.<sup>rs</sup> Wootton and Beatty bring up a Bill entitled "An Act for the Security of Purchasers and others, being Protestants claiming by or from Aliens." Read the first and second Time in the Lower House and will Pass, which was Read the first and second Time, by an especial Order in this House and will pass with the following Amendment Viz.<sup>t</sup>

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Nov. 9

After the word "Persons" in the 9.<sup>th</sup> line of the first Page Strike out the words "being Protestants." So Endorsed and sent to the Lower House by Daniel Dulany Esq.

Mess.<sup>rs</sup> Mackall and Contee bring up a Bill "An Act to empower Frank Leek and George Digges, Administrators of Charles Digges late of Prince Georges County Deceased, with the last Will of the same Charles to their Letters of Administration annexed, to Sell a Lott of Ground, of the same Charles, situate and being in the Town of Marlborough in Prince Georges County aforesaid, for the Payment of the Debts of the said Charles Digges." Read the first and second Time in the Lower House and will Pass, which was Read the first and second Time, by an especial Order in this House and will Pass. So Endorsed and Sent to the Lower House by William Hayward Esq

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Read the second Time in this House a Bill entitled "An Act for the Relief of certain Prisoners, in the several Goals therein mentioned" and will pass with the following Amendments Viz.<sup>t</sup> After the words "Zachariah Wade" in the 9.<sup>th</sup> line of the first Page, insert the words "James Steward." After the word "aforesaid" in the last line of the sixth Page, add the following Clause Viz.<sup>t</sup> And be it further Enacted by the Authority aforesaid, that if any of the Persons intended to be relieved by this Act are and shall be of sufficient ability of Body to Labour such person or persons not having a Wife or Family shall be and are hereby obliged to serve for a time not exceeding five years to any Person or Persons who are or shall be inclined to Purchase the Time of Servitude of such Debtor or Debtors and that the respective Sheriffs in whose Custody the aforesaid Debtors or any of them are be and are hereby authorized and obliged to Summon Two Justices of the Peace in the respective Counties at the request of the said Prisoners as soon as conveniently may be after the End of this Session of Assembly and after giving five days Notice at the Court House of the respective Counties of the intended Sale of such Debtor or Debtors expose to Sale in the Presence of the said Justices such Debtor or Debtors and the time of his or their Servitude to the highest Bidder and the Money arising from such Sale shall be as Effects of such Debtor or Debtors in the Hands of the respective Sheriffs Subject as aforesaid to a Distribution in manner aforesaid and the Sale and Service of such Debtor or Debtors as aforesaid is hereby directed to be taken as a

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U. H. J. full and sufficient Acquittal and Discharge against all Debts due  
 Liber No. 36 from such Debtor or Debtors before such Sale provided that in Case  
 Nov. 9 it shall appear to the satisfaction of the said Justices that any of the  
 said Debtors have offered since their Confinement to make satisfac-  
 tion to their Creditors by Servitude and that their Creditors have  
 refused to accept the same that the Time such Debtors have been  
 confined in prison shall be deemed and taken as part of the aforesaid  
 five Years, and that they shall be obliged to serve only for such Time  
 as will Compleat five Years from the Day of such offer of Servitude.  
 And that in Case any such single Persons as aforesaid have been  
 confined in Prison for Five Years or any longer Time that the said  
 Persons so confined shall be discharged upon the same Terms and in  
 the same manner that persons having Families are by this Act  
 directed to be discharged So Endorsed and Sent to the Lower House  
 by Daniel of S.<sup>t</sup> Tho.<sup>s</sup> Jenifer Esquire.

Adjourned until Monday Morning 10 of the Clock

Nov. 11 Monday Morning 11.<sup>th</sup> November 1771.

The House met again according to Adjournment

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Present

The Honble	{	Charles Hammond Esq	William Fitzhugh Esq
		Daniel Dulany Esq	Daniel of Saint Thomas
		John Ridout Esq	Jenifer Esq
		Walter Dulany Esq	and
		John Beale Bordley Esq	George Plater Esq
		George Steuart Esq	

Adjourned until to Morrow Morning 10 of the Clock

Nov. 12 Tuesday Morning 12.<sup>th</sup> of November 1771.

The House met again according to Adjournment

Present as Yesterday and Benedict Calvert Esq

Read and referred to the Consideration of the Lower House of  
 Assembly the Petition of the Rector Church Wardens, Vestrymen  
 and others Inhabitants of Saint Johns, commonly called King  
 Georges Parish. So Endorsed and Sent by Daniel of Saint Thomas  
 Jenifer Esq

Mess.<sup>rs</sup> Thomas and Moale bring up a Bill entitled: "An Act to  
 enable the Commissioners for Emitting Bills of Credit to pay to  
 William Mills, John Peacock Peter Payne Executor of Ralph Price,  
 and Anne Gaither the Sum of Money therein mentioned." Read the  
 first and second Time in the Lower House and will pass, which was

Read the first and second Time by an especial Order in this House and will Pass. So Endorsed and Sent to the Lower House by Benedict Calvert Esq

U. H. J.  
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Nov. 12

Adjourned until 3 of the Clock in the Afternoon

Eodem Die Post Meridiem

The House met again according to Adjournment

Present as in the Morning

On Motion Leave is given to bring in a Bill entitled "An Act for the Naturalization of Charles Frederick Weisenthal" which being brought in immediately was Read the first and second Time by an especial Order, and will Pass. So Endorsed and sent to the Lower House by John Beale Bordley Esq

Adjourned until to Morrow Morning 10 of the Clock

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Wednesday Morning 13.<sup>th</sup> of November 1771.

Nov. 13

The House met again according to Adjournment

Present as Yesterday.

Adjourned until to Morrow Morning 10 of the Clock

Thursday Morning 14.<sup>th</sup> of November 1771.

Nov. 14

The House met again according to Adjournment

Present as Yesterday.

Read the second Time in this House a Bill entitled "An Act to aid Defective Common Recoveries" and will not pass.

Read the second Time in this House a Bill entitled "An [Act] for raising Four pence Sterling on every Hogshead of Tobacco exported out of this Province for the Support of an Agent at London for the Service of this Province" and will not pass.

Read the second Time in this House a Bill entitled "An Act for issuing Writs of Replevin out of the County Courts of this Province" and will not Pass.

Read and referred to the Consideration of the Lower House of Assembly, the Petition of sundry Merchants of the Town of Bladensburgh in Prince Georges County. So Endorsed and Sent by Daniel of Saint Thomas Jenifer Esq

Adjourned until to Morrow Morning 10 of the Clock

U. H. J.  
Liber No. 36  
Nov. 15

Friday Morning 15.<sup>th</sup> of November 1771.

The House met again according to Adjournment

Present as Yesterday.

Mess.<sup>rs</sup> Thomas and Moale bring up a Bill entitled “An Act for the further Adjournment and Continuance of the High Court of Appeals.” Read the first and second Time in the Lower House and will pass, which was Read the first and second Time by an especial  
p. 558 Order in this House and will pass. So Endorsed and Sent to the Lower House by John Ridout Esq

Mess.<sup>rs</sup> Thomas and Moale bring up the following Engrossed Bills Read and Assented to by the Lower House of Assembly.

A Bill entitled “An Act to empower Frank Leeke and George Digges Administrators of Charles Digges, late of Prince Georges County Deceased, with the last Will of the same Charles to their Letters of Administration annexed to Sell a Lott of Ground, of the same Charles situate and being in the Town of Upper Marlborough, in Prince Georges County aforesaid, for the payment of the Debts of the said Charles Digges.”

A Bill entitled “An Additional Supplementary Act to the Act entitled an Act for the Relief of the poor within the several Counties therein mentioned.”

A Bill entitled “An Act to enable the Commissioners for Emitting Bills of Credit to pay to William Mills, John Peacock, Peter Payne Executor of Ralph Price, and Anne Gaither the Sums of Money therein mentioned.”

A Bill entitled “An Act to prevent the Exportation of Flour, Staves and Shingles not Merchantable, from the Town of Baltimore, or Fells Point, in Baltimore County, and to regulate the Weight of Hay and Measure of Grain, Salt, Flaxseed, and Fire-wood, within the said Town.”

A Bill entitled “An Act continuing an Act entitled An Act for Licensing Ordinary Keepers Hawkers Pedlars and Petty Chapmen.”

A Bill entitled “An Act for the Relief of certain Prisoners in the several Goals therein mentioned.”

A Bill entitled “An Act to remedy divers Defects in the Records of Charles County.” These Bills were severally Read and Assented to by this House and Ordered to be so Subscribed. The Paper Bills so Endorsed are Sent to the Lower House by John Ridout Esq

Mess.<sup>rs</sup> Paca and Lloyd bring up an Engrossed Bill entitled “An Act for the further Adjournment and Continuance of the High Court of Appeals.”

Read and Assented to by the Lower House of Assembly which  
p. 559 was Read and Assented to by this House, and ordered to be so



Subscribed the Paper Bill so Endorsed. Sent to the Lower House by George Steuart Esquire.

U. H. J.  
Liber No. 36  
Nov. 15

Adjourned until to Morrow Morning 10 of the Clock

Saturday Morning 16.<sup>th</sup> of November 1771.

Nov. 16

The House met again according to Adjournment

Present as Yesterday except Cha.<sup>s</sup> Hammond, W. Fitzhugh & G Plater Esq.<sup>rs</sup>

Mess.<sup>rs</sup> Wootton and Luckett bring up a Bill entitled "An Act for the Adjournment and Continuance of Frederick County Court."

Read the first and second Time in the Lower House and will Pass, which was Read the first and second Time by an especial Order in this House and will Pass. So Endorsed and sent to the Lower House by George Steuart Esq

Mess.<sup>rs</sup> Beatty and Luckett attend with M.<sup>r</sup> Jonathan Hagar a Member Elected for Frederick County, to see him Qualified who takes the several Oaths to the Government appointed to be taken by Act of Assembly Repeats and Subscribes the Oath of Abjuration and Test, and then withdraws.

Mess.<sup>rs</sup> Wootton and Beatty bring up an Engrossed Bill entitled "An Act for the Adjournment and Continuance of Frederick County Court." Read and Assented to by the Lower House of Assembly which was Read and Assented to by this House and Ordered to be so Subscribed, the Paper Bill so Endorsed was Sent to the Lower House by [George Steuart]

Mess.<sup>rs</sup> Johnson and Hall bring up the following Message together with the Bill entitled "An Act for the further Emission of Bills of Credit."

By the Lower House of Assembly 16.<sup>th</sup> of November 1771.

May it please your Honours

We are much concerned to find, that scarce any Money Bill hath lately been Sent to your House to which your Honours have not Proposed an Amendment. This House do and ever will Claim as their inherent undoubted and fundamental Right the sole and exclusive formation of all Money Bills, as well for the application, and disposition as for the granting and raising of all Public Money, nor will we ever give up, or wave or weaken that Right in any manner.

We should therefore, had there been no other reason, have rejected the Amendment proposed by your Honours to the Bill entitled "An Act for the further Emission of Bills of Credit." But even if this House had not that undoubted Right we could not have come into your Proposed Amendment, it appearing to us that four years are

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Nov. 16

a sufficient Time for the whole Legislature to agree in the scheme of establishing a Seminary of Learning, that if any Circumstances should unluckily happen to prevent the Assembly from attending to this Object the Time might and undoubtedly would be lengthened, and that if unhappily contrary to our Expectation and earnest wish an Agreement therein should not within that Time be likely to be effected, it is much more prudent that the present Bill should explicitly declare what shall be done with the forty two Thousand six Hundred and Sixty six Dollars and two third parts of a Dollar, than that we should be now laying the Foundation for another Dispute, to be added to the number Subsisting, which are already too many. We have therefore returned your Honours the Bill in hopes that these Considerations will induce you to pass it.

Signed by Order John Duckett Cl. Lo. ho.

Mess.<sup>rs</sup> Beall and Tyler bring up a Bill entitled “An Act empowering the Justices of Prince Georges and Charles Counties, to Levy on the Taxable Inhabitants of Saint Johns commonly called King p. 56r Georges Parish in said Counties the Quantity of fifty six Thousand pounds of Tobacco for the purposes therein mentioned.”

Adjourned until Monday Morning 10 of the Clock

Nov. 18

Monday Morning 18.<sup>th</sup> of November 1771.

The House met again according to Adjournment

Present

The Honble	Benedict Calvert Esq	William Hayward Esq
	Daniel Dulany Esq	and
	John Ridout Esq	Daniel of S. <sup>t</sup> Tho. <sup>s</sup>
	Walter Dulany Esq	Jenifer Esq
	George Steuart Esq	

The following Message is Sent to the Lower House together with the Bill entitled “An Act for the further Emission of Bills of Credit” by Daniel Dulany Esq

By the Upper House of Assembly 18.<sup>th</sup> of November 1771.  
Gentlemen

Your Message of the 16.<sup>th</sup> Instant with the Bill entitled “An Act for the further Emission of Bills of Credit” seems to import that our Amendments of Bills, you call Money Bills are of late date but we must take the Liberty to observe that the Journals demonstrate the Contrary in the clearest manner and if the Course of presedents be attended to, abundant Instances must occur not only of Amendments of real Money Bills by the Upper House admitted by the Lower, but of these Bills framed in a Committee of both Houses,

and even having taken their Rise in the Upper House, and such moreover are the very peculiar Circumstances of the present Business, that we must think your Complaint of Innovation, and claim of privilege to be most extraordinary; for when the original Bill of 1733 for Emitting Bills of Credit was sent hither, the Upper House judging many Amendments to be expedient proposed a Conference, which took place on the Occasion. Members appointed by each House attended this Conference, various and most material Alterations were proposed, and adopted. The original Bill as framed in the Lower House, was for emitting only £72,000 in Bills of Credit, but the Sum was agreed on the Conference to be augmented to £90,000. By the express Terms of this Bill which passed into a Law in 1733, any Money remaining in Bank, and Monies lent, and the Interests thereof, after sinking the £90,000, were subjected to such Application and disposal as the Assembly of this Province should think proper and we need not surely prove by Argument, that the surplus Money thus became expressly and equally subject to our and your Application, or that this very surplus, so Subjected, is the foundation of the Emission You have proposed.

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Nov. 18

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According to your present extensive Ideas of a Money Bill and of privilege, th'o by your Bill forty two Thousand six Hundred and Sixty six Dollars and two third parts of a Dollar might be applied hereafter to the purpose of Establishing a Seminary of Learning in this Province, in such manner as should be directed by Act of the general Assembly thereof, yet the Upper House might be precluded from considering what System of Instruction, and Enforcements of Discipline would be most proper.

The original Bill, which passed into a Law in 1733, having been framed and corrected in the manner we have related. The Surplus Money therefrom having been expressly subjected as well to our as your disposal, and this surplus being the Foundation of the Emission you have proposed, your Claim of Privilege and the obvious Consequence of its Admission, render the firmest adherence to our Amendment indispensable, and we trust that whilst we act upon these principles Candour will acquit us of all Designs to multiply the Topics of Controversy which indeed are already too many.

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Signed by Order. U.Scott Cl. Up. Ho.

Adjourned until 3 of the Clock in the Afternoon

Eodem Die post Meridiem

The House met again according to Adjournment

Present as in the Morning.

Mess.<sup>rs</sup> Smallwood and Harrison attend with Mess.<sup>rs</sup> Francis Ware and Josiah Hawkins, two Members Elected for Charles County to



U. H. J. see them Qualified who take the several Oaths to the Government  
 Liber No. 36 appointed to be taken by Act of Assembly, Repeat and Subscribe  
 Nov. 18 the Oath of Abjuration and Test and then withdraw.

Mess.<sup>rs</sup> Deye and Moale bring up a Bill entitled “An Act for the Naturalization of Charles Frederick Weisenthal.”

Read the first and second Time in the Lower House and will pass, which was Read in this House and passed for Engrossing

Adjourned until to Morrow Morning 10 of the Clock

Nov. 19 Tuesday Morning 19.<sup>th</sup> of November 1771.

The House met again according to Adjournment

Present as Yesterday.

Mess.<sup>rs</sup> Gresham and Buchanan attend with M.<sup>r</sup> William Ringgold, a Member Elected for Kent County, to see him Qualified who takes the several Oaths to the Government, appointed to be taken by Act of Assembly Repeats and Subscribes the Oath of Abjuration and Test and then withdraws.

Read the first and second Time by an especial Order in this House A Bill entitled “An Act empowering the Justices of Prince Georges and Charles Counties to Levy on the Taxable Inhabitants of Saint Johns commonly called King Georges Parish, in said Counties, the Quantity of fifty six Thousand Pounds of Tobacco, for the purposes therein mentioned” and will pass. So Endorsed and Sent to the Lower House by William Hayward Esquire.

Adjourned until to Morrow Morning 10 of the Clock

Nov. 20 Wednesday Morning 20.<sup>th</sup> November 1771.

The House met again according to Adjournment

Present as Yesterday

Mess.<sup>rs</sup> Mackall and Contee bring up an Engrossed Bill entitled “An Act empowering the Justices of Prince Georges and Charles Counties to Levy on the Taxable Inhabitants of Saint Johns commonly called King Georges Parish in said Counties the Quantity of Fifty six Thousand Pounds of Tobacco for the purposes therein mentioned.” Read and Assented to by the Lower House of Assembly, which was Read and Assented to by this House and Ordered to be so Subscribed, the Paper Bill so Endorsed, sent to the Lower House by Daniel of S.<sup>t</sup> Thomas Jenifer Esq

Mess.<sup>rs</sup> Mackall and Contee bring up a Bill entitled “An Additional Supplementary Act to the Act entitled, An Act for the Establishment of Religious Worship in this Province, according to the

Church of England, and for the Maintenance of Ministers." Read the first and Second Time in the Lower House and will Pass, which was Read the first Time in this House, and ordered to lie on the Table.

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Nov. 20

The Engrossed Bill entitled "An Act for the Naturalization of Charles Frederick Weisenthal" was Read and Assented to by this House and Sent with the paper Bill to the Lower House by Dan.<sup>1</sup> of S.<sup>t</sup> Tho.<sup>s</sup> Jenifer Esq

Read and referred to the Consideration of the Lower House of Assembly, the Petition of George Frazier Hawkins of Prince Georges County. So Endorsed and sent by John Ridout Esq

Read and referred to the Consideration of the Lower House of Assembly the Petition of John Deavor, on behalf of William Fell an Orphan. So Endorsed and sent by George Steuart Esq

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Mess.<sup>rs</sup> Smallwood and Moale bring up the Paper Bill entitled "An Act for the Naturalization of Charles Frederick Weisenthal" thus Endorsed By the Lower House of Assembly 20.<sup>th</sup> November 1771. The Engrossed Bill, whereof this is the Original, is Read and Assented to.

Signed by Order, Jn.<sup>o</sup> Duckett Cl. lo. ho.

Mess.<sup>rs</sup> Smallwood and Moale bring up a Bill entitled "An Act to enable the Executors of Thomas Colvil to Convey the Land therein mentioned." Read the first and second Time in the Lower House, and will pass, which was Read the first and second Time by an especial Order in this House and will Pass

So Endorsed and Sent to the Lower House by Benedict Calvert Esq

Mess.<sup>rs</sup> Paca and Chase bring up a Bill, entitled "An Act for amending and declaring the Law in the Cases therein mentioned." Read the first and second Time in the Lower House and will pass which was Read the first Time in this House, and ordered to lie on the Table.

Adjourned until four of the Clock in the Afternoon

Eodem Die post Meridiem

The House met again according to Adjournment

Present as in the Morning

Mess.<sup>rs</sup> Beall and Contee bring up a Bill entitled "An Act for the Relief of the Sufferers of Bladensburgh Warehouse."

Read the first and second Time in the Lower House and will pass, which was Read the first Time in this House and Ordered to lie on the Table.

Mess.<sup>rs</sup> Wright and Moale bring up a Bill entitled "An Act to

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U. H. J. impower Elizabeth Williams, Administratrix of George Williams  
Liber No. 36 with the Will annexed, to make and execute the Conveyances therein  
Nov. 20 mentioned." Read the first and second Time in the Lower House  
and will pass, which was Read the first Time in this House and  
Ordered to lie on the Table.

Mess.<sup>rs</sup> Deye and Risteau bring up a Bill, entitled "An Act to  
Levy on the Taxable Inhabitants of Baltimore County, the Quan-  
tity of three Hundred Thousand Pounds of Tobacco, for finishing  
and compleating the Court House, and prison of the said County."  
Read the first and second Time in the Lower House and will Pass,  
which was Read the first Time, in this House, and Ordered to lie  
on the Table.

Adjourned until to Morrow Morning 10 of the Clock

Nov. 21 Thursday Morning 21.<sup>st</sup> of November 1771.

The House met again according to Adjournment

Present as Yesterday

Read the second Time in this House a Bill, entitled "An Act for  
the Relief of the Sufferers at Bladensburgh Warehouse" and will  
not pass.

Read the second Time in this House a Bill entitled "An Act to  
Levy on the Taxable Inhabitants of Baltimore County, the Quan-  
tity of Three Hundred Thousand Pounds of Tobacco, for finishing  
and compleating the Court House, and prison of the said County"  
and will pass. So Endorsed and Sent to the Lower House by Daniel  
Dulany Esq

Read the second Time, in this House a Bill entitled "An Act to  
impower Elizabeth Williams, Administratrix of George Williams,  
with the Will annexed, to make and execute the Conveyances  
therein mentioned" and will pass. So Endorsed and Sent to the  
Lower House by Daniel Dulany Esq

p. 567 Read the second Time in this House a Bill, entitled "An Act for  
amending and declaring the Law in the Cases therein mentioned"  
and will pass with the following Amendments Viz.<sup>t</sup> Leave out the  
word "impleaded" in the 17.<sup>th</sup> line of the 7.<sup>th</sup> Page and insert the  
words "affected by such Division" and leave out the last enacting  
Clause in the same page. So Endorsed and Sent to the Lower  
House by Daniel Dulany Esq

Read and referred to the Consideration of the Lower House of  
Assembly, the Petition of John Steuart, and Duncan Campbell  
Merchants in London. So Endorsed and Sent by Daniel Dulany  
Esq

Adjourned until four of the Clock in the Afternoon



Eodem Die post Meridiem

U. H. J.  
Liber No. 36  
Nov. 21

The House met again according to Adjournment

Present as in the Morning

Read the second Time in this House a Bill entitled "An Additional Supplementary Act to the Act entitled, An Act for the Establishment of Religious Worship in this Province, according to the Church of England, and for the Maintenance of Ministers" and will pass with the following Amendment Viz.<sup>t</sup> let the proviso beginning at the third line from the bottom of the 5.<sup>th</sup> Page, be amended, so as to be to the following Effect Viz.<sup>t</sup> And provided also, that if any such beneficed Minister shall not appear before the Commissioners aforesaid, but shall wilfully and contumaciously make Default after personal Notice of the Time and place of such Inquiry or make such Default after a Note under the Hand of the Clerk of the said Commissioners specifying the Time and place of such Inquiry shall have been Set up, and affixed at his parish Church Door, one Month at least before such Inquiry, then, and in every such Case, the Commissioners aforesaid shall proceed in their Inquiry in the same manner as in the Case of the personal Appearance before them of such Minister So Endorsed and Sent to the Lower House by John Ridout Esq<sup>r</sup> p. 568

Read and referred, to the Consideration of the Lower House of Assembly, the Petition of Alexander Symmer of Prince Georges County So Endorsed and Sent by John Ridout Esquire.

Adjourned until to Morrow Morning 10 of the Clock

Friday Morning 22.<sup>d</sup> of November 1771.

Nov. 22

The House met again according to Adjournment

Present as Yesterday and Col.<sup>o</sup> Hammond

Mess.<sup>rs</sup> Moale and Contee bring up a Bill, entitled "An Act for the directing the Sale of the Lands of John Stone Hawkins, late of Prince Georges County deceased for the payment of the Debts of the said John Stone Hawkins." Read the first and second Time in the Lower House and will pass, which was Read the first and second Time, by an especial Order in this House, and will pass, with the following Amendments Viz.<sup>t</sup> After the word "several" in the second line of the fourth Page insert the word "Claims" and Strike out the word "Claims" in the third line of the same Page, After the word "Hawkins" in the last line of the last Page add as follows Viz.<sup>t</sup> Saving to the Heirs of the said John Stone Hawkins the Liberty of shewing Cause if any the said Heirs have, or can shew to the Chancellor of this Province, for the Time being, at any Time within six Months after the said Heirs shall arrive

U. H. J. at the Age of Twenty one Years, why the Lands and Premises  
 Liber No. 36 above mentioned ought not to have been Sold, as herein is directed,  
 Nov. 22 and upon such Cause shewn to the Satisfaction of the said Chan-  
 cellor, then and in such Case, this Act shall be Void any Clause  
 p. 569 matter or thing herein to the Contrary notwithstanding

So Endorsed and Sent to the Lower House by Daniel of Saint Thomas Jenifer Esquire.

Mess.<sup>rs</sup> Moale and Contee bring up the following Engrossed Bills Read and Assented to by the Lower House of Assembly.

A Bill entitled "An Act to Levy on the Taxable Inhabitants of Baltimore County the Quantity of three hundred Thousand Pounds of Tobacco, for finishing and compleating the Court House and prison of the said County."

A Bill entitled "An Act to empower Elizabeth Williams Administratrix of George Williams with the Will annexed to make and execute the Conveyances therein mentioned."

These two Bills were Read and Assented to by this House and Ordered to be so Subscribed the Paper Bills so Endorsed are sent to the Lower House by Benedict Calvert Esq

Mess.<sup>rs</sup> Wootton and Tyler bring up a Bill entitled "An Act to impower Jane Ridgely Executrix of Nicholas Greenbury Ridgely late of Ann Arundel County deceased, to Convey the Land therein mentioned."

Read the first and second Time in the Lower House and will pass, which was Read the first and second Time, by an especial Order in this House and will pass. So Endorsed and sent to the Lower House by Benedict Calvert Esq.

Adjourned until four of the Clock in the Afternoon

Eodem Die post Meridiem

The House met again according to Adjournment

Present as in the Morning

Adjourned until to Morrow Morning 10 of the Clock

Nov. 23 Saturday Morning 23.<sup>d</sup> of November 1771.

p. 570 The House met again according to Adjournment

Present as Yesterday

Mess.<sup>rs</sup> Beall and Contee bring up the following Engrossed Bills Read and Assented to by the Lower House of Assembly.

A Bill entitled "An Act to empower Jane Ridgely Executrix of Nicholas Greenbury Ridgely late of Ann Arundel County Deceased to Convey the Lands therein mentioned."

A Bill entitled "An Act for the directing the Sale of the Lands of John Stone Hawkins late of Prince Georges County deceased, for the payment of the Debts of the said John Stone Hawkins." U. H. J. Liber No. 36 Nov. 23

A Bill entitled "An Additional Supplementary Act to the Act entitled, An Act for the Establishment of Religious Worship in this Province, according to the Church of England, and for the Maintenance of Ministers."

These three Bills were Read and Assented to by this House and Ordered to be so Subscribed, the paper Bills so Endorsed are sent to the Lower House by Daniel Dulany Esq

Mess.<sup>rs</sup> Chase and Wootton bring up the following Engrossed Bills Read and Assented to by the Lower House of Assembly.

A Bill entitled "An Act to enable the Executors of Thomas Colvil to Convey the Land therein mentioned."

A Bill entitled "An Act for amending and declaring the Law in the Cases therein mentioned." These two Bills were Read and Assented to by this House, and ordered to be so Subscribed, the paper Bills so Endorsed are Sent to the Lower House by William Hayward Esq

Adjourned until Monday Morning 10 of the Clock

Monday Morning 25.<sup>th</sup> November 1771.

Nov. 25

The House met again according to Adjournment

Present

p. 571

Charles Hammond Esq	John Beale Bordley Esq
Benedict Calvert Esq	George Steuart Esq
Daniel Dulany Esq	William Hayward Esq
John Ridout Esq	and
Walter Dulany Esq	Daniel of S. <sup>t</sup> Tho. <sup>s</sup> Jenifer Esq

Adjourned until four of the Clock in the Afternoon

Eodem Die post Meridiem

The House met again according to Adjournment

Present as in the Morning

Adjourned until to Morrow Morning 10 of the Clock



U. H. J.  
Liber No. 36  
Nov. 26

Tuesday Morning 26.<sup>th</sup> of November 1771

The House met again according to Adjournment

Present as Yesterday.

Mess.<sup>rs</sup> Solomon Wright and Earle bring up a Bill entitled “An Act for the more effectual Securing of Orphans Estates.” Read the first and second Time in the Lower House and will pass, which was Read the first Time in this House and ordered to lie on the Table.

Adjourned until four of the Clock in the Afternoon

Eodem Die post Meridiem

The House met again according to Adjournment

Present as in the Morning

Benedict Calvert Esq brings in the following Report.

At a Conference of the Members of both Houses of Assembly, on Monday the 4.<sup>th</sup> Day of November 1771.

p. 572

Were present

The Honble	{	Benedict Calvert Esq	John Beale Bordley	}	Of the Upper House
		Daniel Dulany Esq	Esq and		
		John Ridout Esq	William Hayward Esq		
	{	M. <sup>r</sup> Matthew Tilghman	M. <sup>r</sup> Thomas Johnson	}	Of the Lower House
		M. <sup>r</sup> John Hall	M. <sup>r</sup> Samuel Chase		
		M. <sup>r</sup> Charles Grahame	M. <sup>r</sup> Littleton Dennis		

Who then Chose the Honourable Benedict Calvert Esq Chairman and James Brooks Clerk.

The Conferees of the Upper House communicate to those of the Lower House the following Propositions.

- 1.<sup>st</sup> The Bonds of Inspectors to be put in Suit as heretofore; probate of the Execution of the Bond to be Recorded with the Bond.
- 2.<sup>d</sup> If Inspector rechosen neglect to give Notice, such Neglect to be considered as an actual refusal.
- 3.<sup>d</sup> The Inspection to be Closed at the Time fixed by the late Inspection Act.
- 4.<sup>th</sup> Inspectors Notes to be paid to the Owner of the Tobacco or the Bearer
- 5.<sup>th</sup> Penalties to be in similar Cases as in the late Act, and so Prosecutions and mode of Recovery.
- 6.<sup>th</sup> Tobacco Inspected under private Agreement not to be a good Tender, and to be Exported in a limited Time.

- 7.<sup>th</sup> The Sale of Tobacco to be in open Court
- 8.<sup>th</sup> The Allowance on Receipts to be explained, so as clearly to relate to Cropp'd Tobacco only.
- 9.<sup>th</sup> The Clerks of the County Courts not to be obliged to any Attendance but in Court and in their Offices and to be paid for their Services whether there shall be any profits or not.
- 10.<sup>th</sup> Magistrates to be paid for their Attendance on all Occasions.
- 11.<sup>th</sup> Judgments on Bonds to be Entered up as the use or practice hath been
- 12.<sup>th</sup> The party against whom any Judgment shall pass, and who shall therein be liable to Costs, to pay what the other party shall have paid, or shall be liable to pay.
- 13.<sup>th</sup> Gold and Silver to be under a similar Regulation to that of the last paper Money Act.
- 14.<sup>th</sup>] The Fees of Officers and Lawyers to be regulated as they were by the last Inspection Law, saving, that all persons may discharge them by the 10.<sup>th</sup> of April Yearly in Gold and Silver according to the Regulation thereof, and if not so discharged in Money, then Tobacco if the person be a Maker thereof to be paid.
- 15.<sup>th</sup> Execution and Time of Payment by the Sheriffs to be, as provided by the said late Act.
- 16.<sup>th</sup> The Clergy to be left out of the Bill in all Respects.
- 17.<sup>th</sup> Provision to be made for the payment of Fees now due.
- The Conferees Adjourn until to Morrow Morning 11 oClock

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Nov. 26

p. 573

Tuesday Morning 5.<sup>th</sup> of November 1771.

The Conferees met according to Adjournment

Present as Yesterday and M.<sup>r</sup> Hammond of the Lower House

The Conferees of the Lower House deliver to those of the Upper House, the following Answers to the Propositions of the Upper House delivered in Yesterday.

Part of the first proposition, that the Bonds of Inspectors be put in Suit as heretofore. Rejected. The latter part of said Proposition that Probate of the Execution of the Bond be Recorded with the Bond. Agreed.

The 2.<sup>d</sup> proposition, that if Inspectors rechosen neglect to give Notice such Neglect to be Considered as an actual Refusal. Rejected.

The 3.<sup>d</sup> Proposition that the inspection be Closed at the Time fixed by the late Inspection Act. Rejected.

U. H. J.      The 4.<sup>th</sup> Proposition that Inspectors Notes be payable to the  
Liber No. 36      Owner or Bearer. Agreed.  
Nov. 26

The 5.<sup>th</sup> proposition, that Penalties be in similar Cases as in the late Act and so Prosecutions and mode of Recovery. Rejected.

p. 574      The 6.<sup>th</sup> Proposition, that Tobacco Inspected under private Agreement be not a good Tender, and to be Exported in a limited Time. Agreed.

The 7.<sup>th</sup> proposition, That the Sale of Tobacco be in open Court. Agreed.

The 8.<sup>th</sup> proposition, about Allowance on Receipts. Agreed.

The 9.<sup>th</sup> and 10.<sup>th</sup> proposition relative to the Clerk of the County and Magistrates. Agreed.

The 11.<sup>th</sup> Proposition, That Judgments on Bonds be Entered as the use or practice hath been wants explanation. We take the Usage to be agreeable to our Clause the Judgments on Bonds are entered in the Courts of Justice. Penalty released, on Payment of Principal Interests and Costs.

The 12.<sup>th</sup> proposition, relative to Costs. Rejected.

The 13.<sup>th</sup> proposition, That Gold and Silver be under a similar Regulation to that of the last paper Money Act. Agreed.

The 14.<sup>th</sup> 15.<sup>th</sup> and 16.<sup>th</sup> Propositions relative to Officers and Lawyers Fees and the Clergy. Unanimously Rejected.

The 17.<sup>th</sup> and last Proposition. Agreed when a reasonable Mode can be Settled to ascertain what Fees are now due.

The Conferees Adjourn until to Morrow Morning 11 oClock

Wednesday Morning 6.<sup>th</sup> November 1771.

The Conferees met according to Adjournment

Present as Yesterday except M.<sup>r</sup> Hammond of the Lower House

The Conferees of the Upper House deliver to those of the Lower House the following.

1.<sup>st</sup> Proposition. This adhered to because it does not appear that any Inconvenience hath arisen from the former Mode.

p. 575      2.<sup>d</sup> Longer Time may be allowed to rechosen Inspectors to give Notice as they may be allowed to lodge the Notice with the Sheriffs of their respective Counties, in the Time limited by the Bill, to be by them forwarded with Convenient Speed to the Clerk of the Council, and if Notice be not so given or lodged the Neglect to be considered as an actual Refusal.

3.<sup>d</sup> Adhered to.

5.<sup>th</sup> Adhered to.



11.<sup>th</sup> It was thereby meant, that Plaintiffs should have the same Liberty, as heretofore, in entering Judgments, but that where by Consent or Agreement a Release of Penalty shall be entered the Sheriff shall not Levy nor Charge Commission on a larger Sum than the Terms of the Release shall require and in such Case also the Sheriff shall not be liable in any Action of Escape for a larger Sum than the Terms of the Release shall require, the Payment of, and Interest thereon.

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12.<sup>th</sup> Adhered to.

14.<sup>th</sup> Adhered to except that the Time for payment of Money instead of the 10.<sup>th</sup> of April may be extended to the 10.<sup>th</sup> of June.

15.<sup>th</sup> Adhered to.

16.<sup>th</sup> From an Assurance that the Bill would not finally pass, in regard to the Clergy, on the general Alternative given by it, this proposition appeared to be expedient in order to prevent any possible disappointment on this Account. If however instead of leaving the Clergy altogether out of the Bill, on a Consideration of the Convenience to Farmers and others who do not make Tobacco, and effectually to prevent their Oppression, it should be thought proper to provide that the Clergys Dues may be discharged in the manner directed by the late Inspection Act, or that the Clergy should be included in the Bill with respect to the Farmers, and others not making Tobacco, and Subject to the Regulation of the said Act in that Behalf and with respect to the Planters be altogether excluded, the Upper House will make no Objection in any of the above Cases. p. 576

The Conferees Adjourn until 5 oClock in the Afternoon

Post Meridiem

The Conferees met according to Adjournment

Present as in the Morning

The Conferees of the Lower House deliver to those of the Upper House the following.

After what passed between the two Houses at the last Session of Assembly, and the propositions that were then agreed upon relative to the Officers Lawyers and Clergy, We did not expect your Honours would have made Propositions so widely different at this Session on the same Subject. We are instructed not to agree to them. We esteem those Points the most material of any that remain unsettled; and altho we are extremely desirous of bringing about a Regulation of the Staple, and providing a handsome Support for the Officers and Clergy, yet if your Honours still decline a Conference on the New Table of Fees, which we consider as an Explanation and Correction of the Old Table, and

U. H. J. do adhere to the 14.<sup>th</sup> 15.<sup>th</sup> and 16.<sup>th</sup> propositions, we have no  
 Liber No. 36 hopes of bringing about the Passage of a Bill, allowed on all Hands  
 Nov. 26 to be of great Importance to the Welfare and happiness of the  
 People. Therefore upon your Honours declaring your fixed Reso-  
 lution to adhere an End may be put to this Conference.

The Conferees Adjourn until to Morrow Morning 11 oClock

Thursday Morning 7.<sup>th</sup> of November 1771.

The Conferees met according to Adjournment

Present as Yesterday and M.<sup>r</sup> Hammond of the Lower House

The Conferees of the Upper House deliver to those of the Lower House the following, together with the following Message from the Governor.

p. 577 What passed the last Session, not having been productive of any Regulation, cant we presume, be binding on both Houses at this Time, for if considered as mutually obligatory the Conference must inevitably prove fruitless. We were willing the last Session that the Alternative should be extended as well to the Clergy as the Officers and Lawyers and had the Bill then depending happily passed both Houses according to our Propositions, the Difficulty in respect of the Clergy wou'd probably not have happen'd. Our Measures must be adapted to our Circumstances, where we have no Power to Controul These. The Consent of the two Houses cant but be ineffectual when it meets with a Dissent from the other Branch of the Legislature. We have already in general informed you we had received an Assurance, that if the Alternative should be extended to the Clergy, the Bill will finally Miscarry, and now for your particular Information deliver to you a Copy of the Governors Message of the first Instant

Unless this Difficulty can be Surmounted, a Consideration of other Points would be attended with an unprofitable Expense of Time. As you have Rejected Our first proposition, relative to the Clergy permit us to remark, that if you should not incline to extend to them all the Provisions of the late Act under which the Planter would be entitled to Pay thirty per poll in Tobacco, and the Farmers and others not making Tobacco, thirty Per poll in Money at the rate of twelve Shillings and six pence common Money per Hundred Weight, your adoption of the other Mode Viz.<sup>t</sup> that of leaving the Clergy altogether out of the Bill, as far as the Planter may be concerned  
 p. 578 and including them as far as the farmer and others may be affected, will not alter the Condition the Planter would be in, should the Bill not pass and may secure the Farmers and others from the Oppression they may, in some Instances, suffer if left to make a Composition in Money.

If this Difficulty arising from the Claims of the Clergy can be removed, we shall be willing to proceed on the other Matters, and in Regard to the Fees of Officers, we must inform you, that it is our unalterable Resolution not to admit of any further Reduction than that very considerable one which must necessarily result from the Election to be given to all Persons to pay in Money or Tobacco, and that so far we do and shall absolutely adhere to the Old Regulation but if any Abuses have really happened in the Charges, under the Old Table, and an Explanation or Correction should appear to be necessary for the prevention of such Abuses in future, we are willing that the Old Table shall be explained and corrected with this view, and as you have declared it to be your Intention to Explain and Correct the Old Table, we cant but think that the Subject to be considered must properly be the Old Table, for the very Purpose of discovering and determining wherein it is defective, and what Explanation or Correction may be requisite.

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Gentlemen of the Upper House of Assembly.

Understanding that a Conference is to take place between the two Houses on the depending Inspection Bill, and recollecting what passed at the last Session in respect of the Clergys dues, I think myself Obliged to inform you, that if a similar Regulation to what was then proposed should be Established, many Ministers, who now have but a scanty provision, would be reduced to a State of much Indigence and Distress, and that it will not be in my Power to Assent to such a Regulation. I do not know whether this Intimation may be Consistent with the usual manner of Proceeding or not, but I hope you will think it agreeable to the Character of Candour and justified by the Occasion. p. 579

1.<sup>st</sup> November 1771.

Rob.<sup>t</sup> Eden.

The Conferees adjourn until to Morrow Morning 11 oClock

Friday Morning the 8.<sup>th</sup> of November 1771.

The Conferees met according to Adjournment

Present as Yesterday.

The Conferees Adjourn until to Morrow Morning 11 oClock

Saturday Morning 9.<sup>th</sup> of November 1771.

The Conferees met according to Adjournment

Present as Yesterday

The Conferees Adjourn until Monday 4 oClock in the Afternoon.



U. H. J.  
Liber No. 36  
Nov. 26

Monday Afternoon 11.<sup>th</sup> of November 1771.

The Conferees met according to Adjournment

Present as on Saturday except W.<sup>m</sup> Hayward Esq of the Upper House and M.<sup>r</sup> Littleton Dennis of the Lower House.

The Conferees of the Lower House deliver to those of the Upper House the following.

From an Expectation that if the most material points could be settled there would be little difficulty in Matters of less Importance . . . [*The Message beginning thus is printed in full in the Lower House Journal, pp. 163-165*].

p. 583 The Conferees adjourn until to Morrow Afternoon 4 oClock

Tuesday Afternoon 12.<sup>th</sup> of November 1771.

The Conferees met according to Adjournment

Present as Yesterday.

The Conferees Adjourn until to Morrow Morning 11 oClock

Wednesday Morning 13.<sup>th</sup> November 1771.

p. 584 The Conferees met according to Adjournment

Present as Yesterday except M.<sup>r</sup> Chase of the Lower House

The Conferees of the Upper House deliver to those of the Lower House the following.

The Alternative in respect of the Clergy's dues originally sprang from your House, the Addition of two to the thirty per poll in Case of Money Payments from our [*sic*]. If the Ideas of Propriety and Dignity ought to preclude the Revision, and hinder the Modification, or Rejection of a mere Proposition, how are they to be excused who have rescinded Regulations, to which they had recently given the most solemn Sanction? The late Inspection Act passed after mature Consideration It had been continued with a full Experience of its Effects for more than Twenty Years, by five Successive Acts of the Legislature, and yet it ought not to be said that those who suffered it to fall, after they had continued it, forgot Propriety and were regardless of Dignity.

We have now a ground of Objection to what respects the Clergy which did not exist the last Session, and have no Scruple in avowing it.

The last Session we had no particular reason to apprehend, that what the two Houses might concert would finally fail; but now have the utmost persuasion that the Governor will dissent to the

Bill, if the Alternative proposed by it be extended without Limitation to the Clergy. We have already communicated his Excellency's Declaration on this Head, in as full a Manner as we received it. It is clear and precise. He is not to be Controul'd by you, or Us in the Exercise of his Judgment. His Right to form it is indubitable. It becomes him to act upon it. Without his Concurrence our Meetings and Results on the Subject must be fruitless. Whilst we aim to conciliate our own Sentiments it should seem that his ought not to be neglected. The immediate intercourse between the two Houses gives the Members of each an immediate Opportunity of communicating to the other their Opinion upon any proposed Measure. Whilst a Bill is depending, we know not in what more proper Method than by Message the Governor can impart his Sentiments, or to whom he can direct it with so much propriety as to those, with whom the Bill is lodged. We presume he deliberated before he Resolved, and think ourselves obliged to him for his frank and candid Communication, which has put us upon our Guard against Disappointment, and shall always be ready to admit the propriety of a Notification, calculated to prevent the Mispending of Time and Publick Money, and pointing out what we should avoid, when endeavouring to obtain a most beneficial Law. If it could be shewn that any useful Purpose may be Attained by our agreeing to a Bill, to be presented for Rejection we should chearfully adopt the Alternative in its fullest Extent. We cant at once Conclude that any who happen to dissent from our Sentiments do so incautiously and must adopt our Ideas on more mature deliberation

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p. 585

It is well known there are several small Parishes wherein the Ministers have been paid principally in Tobacco, and it cant be doubted but that their Revenues would be very much diminished under the Alternative proposed by the Bill. They had little Reason when Inducted to expect this so great Diminution. Ministers have been removed with a view to their promotion, from Parishes of a greater number of Taxables not making Tobacco to Parishes of a lesser number making Tobacco, and we cant assert that there would be no Appearance of Hardship brought upon such Ministers, or that they would have no Reason to complain of any Breach of implicit Confidence.

p. 586

It is true that "no Parishes are so inconsiderable but that the worst may be too good for the worst Minister" but the Disappointment of Hardship suggested might fall upon Men of real Merit

The Right of Appointment is in the Governor. He is not confined in the Exercise of it to those now in the Province, nor does a Restriction of his power, in order to rescue Merit from Distress, appear to be reasonable when a Modification of the Alternative may prevent such Distress. We earnestly wish some expedient could be fallen upon to remove this Difficulty and therefore take the Liberty

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to add to that we have already offered on this Subject, that we are willing the Regulation of the late Inspection Law may be continued in respect of the Clergy, with a proviso that in all the Parishes on the Death, or Removal of the present Incumbents the Alternative shall take place. In the Course of a few Years what is designed will be accomplished.

If the Regulation be deferred the prospect of a general uniform Establishment will be more remote.

We are equally averse with you from allowing, that any Body of Men in the Community are above the Law; but all Bodies of Men every individual liable to be personally affected by a Bill, may we apprehend, whilst it is depending, Petition against its Passage without the imputation of Arrogance

p. 587 As you have assigned no Reason, neither does any occur to Us why the Officers Fees should be first considered. For above a Century Officers Fees had been rated, and the Subject therefore could not be new in the Year 1747, and there appears to Us no ground for supposing that the Legislature did not then well understand it, and the Existence of the Inspection Act for above Twenty Years under five continuing Acts especially as the Old Table has, as you observe been altered in some things seems to afford a strong proof, that the Opinion of the Legislature has long been, that the Old Table, as it stood when the Inspection Law fell was well adapted to the Purposes of it. What we meant by the Expressions it is our unalterable Resolution not to admit of any further Reduction than that very considerable one which must necessarily Result from the Election to be given to all Persons to pay in Money or Tobacco, and that so far we do and shall absolutely adhere to the Old Regulation was that we would not agree to any Reduction of Fees properly chargeable according to the Old Table, tho' willing that the improper Charges of Fees under the Old Table should be prevented in future by new Descriptions. In your enumeration of the Abuses committed by Officers the Charge of the Commissary General when the Services are performed by his Deputies, and they are paid is mentioned. By the Term *Abuse* we apprehend is meant the taking of Fees by the Commissary General not warranted by Law. The Question then will be, whether the double Charge as it is called was Supported by the late Inspection Act or not.

Deputies were introduced by the Act of 1715. They were instituted for the Ease and Convenience of the people, to give them an Option of doing their Business at Home or at Annapolis but with no apparent view of Diminishing the Fees of the Commissary General. After defining their duties the Act limits the pauper Estates to £10, directs that the Deputy shall take no more than 50.<sup>lbs</sup> of Tobacco for Letters on such Estates, and provides that, in every such "Case" the Commissary General shall have no Fees, The



Prohibition being thus confined to "pauper" proves that it was not intended to comprehend "other" Estates. The late Inspection Act makes a similar Provision in respect of pauper Estates only. Contemporary usage corresponded with this Idea. As far back as the mode of Charging can be traced the Commissaries General have invariably Charged the Fees in Question. You Observe that there has been "the" Additional Charge of Order in this Office for almost every Act done, when the Old Table makes the Allowance "only for Orders in Testamentary Causes" but this is a Mistake, for in the Old Table these Articles occur Viz.<sup>t</sup> Entering every Motion in Court and "Order" thereon. For transmitting Balance and "Order." For transmitting Sureties Names and "Order." For transmitting Distribution and "Order." In the Year 1753 The Lower House attempted by a Bill to strip the Commissary General of his Fees when Services were performed by the Deputies; but the Upper House amended it in this very respect, and the Lower House concurred, so that in the Year 1753 it was the Sense, and Expectation of the Legislature that these Fees might, and would be Charged, and for your further Satisfaction on this Point we have made the following Extract Viz.<sup>t</sup> November the 12.<sup>th</sup> 1753, Amendments proposed by the Upper House to the Bill entitled "An Act for amending the Staple of Tobacco for preventing Frauds in his Majestys Customs and for the Limitation of Officers Fees." In the 17.<sup>th</sup> line of the first page, between the words "Mate" and "Boatswain" put "or" instead of "and." In the 13.<sup>th</sup> line of the 13<sup>th</sup> Page, and in the 2.<sup>d</sup> line of the 14.<sup>th</sup> Page, make the Sheriffs Salary "six" instead of "Five." In the Secretarys Fees, making up the Issue when done by the Clerk, leave out "when done by the Clerk." A Venire Facias for Jurors, if Issued by Order of the Court, leave out "if Issued by Order of the Court." A Copy of the Judgment, if demanded and delivered, leave out "if demanded and delivered." Commissary p. 589  
Generals Fees every letter of Administration, or Letters Testamentary if Granted by the Commissary General leave out "if Granted by the Commissary General." For every Bond if taken by him, leave out "if taken by him." Every Oath if Administered by him, leave out "if Administered by him." A Warrant to Appraisers, if Granted by him, leave out "if Granted by him." A Warrant to Swear them, if Granted by him leave out "if Granted by him." On Reading the said Amendments proposed the Question was put in the Lower House, which of the two following Questions shall be first put Viz.<sup>t</sup> Whether this House agrees to all the Amendments proposed by the Upper House to the said Bill or not? Or, Whether several Questions shall be put upon the several Amendments proposed by the Upper House or not. Resolved that the Question be put, Whether this House agrees to all the Amendments proposed by the Upper House to the said Bill or not? The Question was put and Resolved in the Affirmative.

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p. 588

U. H. J.      If however in any Case Orders are improperly Charged, let the  
Liber No. 36      Old Table be Corrected so as to prevent such Charge in future.  
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We presume that no Service was directed by the Old Table for which some Reward was not intended, especially when to the Description of the Service a Reward is expressly annexed; but if the Service be supposed to Consist of distinct parts and a Reward be generally annexed, either this Sum must be due or Nothing for there is no Rule of Apportionment.

Ex: gra: The old Table gave the Secretary 7 lbs of Tobacco per side for filing and recording every Declaration and other Pleadings. If the term recording, necessarily means transcribing into a large Book which we conceive it does not, either the 7 lbs of Tobacco are due for filing or nothing. If nothing be due, then on Actions Agreed abated or discontinued, however various, and Prolix the Pleadings if the Proceedings have not been transcribed, the Officer was entitled to Nothing. In the new Table, the Return is added to almost every returnable process. In the Case of Audita Querela, 87<sup>lbs</sup> of Tobacco are given. On the Principle above Suggested, either the Reward of 87<sup>lbs</sup> of Tobacco would be due for the Service of Issuing the Process, or nothing would be due for it without a return because there is no applicable Rule of Apportionment.

If however on a just Construction of the Old Table, and on a proper Consideration of the general Allowance, and Usage as far as the Matter may be traced, it should appear that the Secretary and County Clerks have Charged for Recording where they should not, the Instances in which the improper Charges have been made being ascertained, we are willing such may be guarded against in future by Corrections or new descriptions, and these too are our Sentiments in respect of the Examiner General and the Surveyors.

We have already declared why we think the Old Table is primarily to be considered, and discover no reason for altering our Opinion, in what you have last said. So far as a Reduction may be intended, we shall not agree to the New Table. So far as Explanations or Corrections of the Old may be proper, we are willing to Examine the New Table and to adopt such parts of it as may Answer this Design, and for this purpose to take both the Old and new under Consideration.

The Conferees Adjourn until to Morrow Afternoon 4 oClock

Thursday Afternoon 14.<sup>th</sup> of November 1771.

p. 591      The Conferees met according to Adjournment

Present as Yesterday and M.<sup>r</sup> Chase of the Lower House

The Conferees Adjourn until to Morrow Afternoon 4 oClock

Friday Afternoon 15.<sup>th</sup> of November 1771.

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The Conferees met according to Adjournment

Present as Yesterday except M.<sup>r</sup> Grahame of the Lower House

The Conferees Adjourn until to Morrow Afternoon 4 oClock

Saturday Afternoon 16.<sup>th</sup> of November 1771

The Conferees met according to Adjournment

Present as Yesterday

The Conferees Adjourned until Monday Afternoon 4 oClock

Monday Afternoon 18.<sup>th</sup> of November 1771.

The Conferees met according to Adjournment

Present as on Saturday except John Beale Bordley Esquire of the Upper House.

The Conferees Adjourn until to Morrow Morning 11 oClock

Tuesday Morning 19.<sup>th</sup> November 1771.

The Conferees met according to Adjournment

Present as Yesterday & W.<sup>m</sup> Hayward Esq of the Upper House

The Conferees of the Lower House deliver to those of the Upper House the following.

Were the Lower House willing to continue the Regulation of the late Inspection Law, in respect of the Clergy, . . . [*The message or paper beginning thus is printed in full in the Lower House Journal, pp. 178-181.*]

The Conferees Adjourn until to Morrow Afternoon 4 oClock

p. 596

Wednesday Afternoon 20.<sup>th</sup> of November 1771

The Conferees met according to Adjournment

Present as Yesterday.

The Conferees of the Upper House deliver to those of the Lower House the following.

Tho the very indeterminate manner, in which you have mentioned the Clergy, affords us no Assistance in our Conjectures what may really be your Sentiments in respect of their provision, yet as you have been pleased to Suggest that our Meaning is not understood, p. 597 we shall proceed to explain it as fully as we can



U. H. J.  
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By the Bill now under Consideration entitled “An Act for amending the Staple of Tobacco, for preventing Frauds in His Majestys Customs, and for the Limitation of Officers Fees”; a general Alternative is extended to all Persons, whether Makers of Tobacco or not; to pay for every Taxable, chargeable with the Clergy’s dues, 30.<sup>lbs</sup> of Tobacco or four Shillings. You have already remarked that this Alternative was in a former Session agreed to by both Houses. We have informed you the Governor had declared in a Message, of which we delivered you an exact Copy that he would dissent to the aforesaid depending Bill, if the Alternative proposed by it; be extended “without Limitation” to the Clergy. We therefore proposed the Expedient, that, in all the Parishes on the Death or Removal of the present Incumbents, the Alternative should take place, and observed that in the Course of a few Years, the Design would be accomplished; but if the Regulation should be deferred the prospect of a general uniform Establishment would be more remote. The Alternative we meant, and thought we had most clearly explained is the aforesaid Alternative above mentioned, and contained in the Bill now depending, intituled “An Act for amending the Staple of Tobacco for preventing Frauds in His Majestys Customs and for the Limitation of Officers Fees,” and as the Regulation was to be thus Established by the Bill when passed into a Law, we also could not but mean, that the Regulation should continue, as long as the Law establishing it should continue. In Regard to the Clergys dues, as you are not inclined to continue generally the Regulation of the late Inspection Act, The Matter stands thus under our several Propositions. They may be left out of the Bill entirely, or only as to the Planters, and be Subject to be discharged in Money after the rate of 3/9 each Taxable by the Farmers. If entirely left out of the Bill they will be payable as they now are, and the Condition of the Planters will not be altered. If Subject to be discharged in Money by the Farmers this Provision will very much secure them from the Oppression to which they may be exposed if left to make a Composition in Money for the 40 Per poll: for when Men are liable to be called upon for what they have not, they must be under great disadvantage in making a Contract to pay in what they have. Or lastly the present Clergy already Inducted may be paid according to the late Inspection Act and immediately on the Death or Removal of any of these Ministers, the people, as well Planters as others shall have it in their option to pay for each Taxable 30.<sup>lbs</sup> of Tobacco per poll or four Shillings, which is the Alternative Proposed by the Bill. If this Provision be Established the Ministers now Inducted will have no reason to complain of Hardship, or Breach of Confidence, and their Successors will be fully apprized before their Induction what they are to depend upon

p. 598

Experience has proved, that when the Settlement of Officers Fees

has been the object, Disputes have arisen; but Experience has proved too, that from the Year 1747 to 1770 the Difficulties on this Subject have not been so great, but means have been found to obviate them.

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We presume the two Houses in the Year 1745 bestowed due Attention on the Business they undertook; but we cant imagine that afterwards in the Year 1747, the Legislature well acquainted as they must necessarily have been with the Merits of the Bill of 1745 bestowed less Attention, and had less discernment, or experience than their predecessors, or that the Legislators who at several periods Continued the Act of 1747 and were fully apprized of its Effects, were negligent of the Publick Welfare, and inattentive to their Duty. p. 599

Why a Bill agreed upon by the two Houses in 1745, and Dissented to by a Governor, whatever might be the Motive of his Conduct, should be esteemed of higher Authority than a Subsequent Law repeatedly continued, as we have not hinted so it is not our Province to explain. No Detail, how Minute soever, can invalidate the Fact, that the Old Table of Fees received the frequent Sanctions we have referred to, and we must think that no Argument or Illustration, after the Repetition of so many Solemn Sanctions, can be necessary, or proper to evince the Opinion of the Legislature to have long been, that the Old Table of Fees as it stood when the late Inspection Act fell was well adapted to its Purposes. By what other Criterion can we so safely judge of the Opinion and Sentiments of Lawmakers as by the Laws they themselves have ordained.

What might be the Intention of the Lower House in 1769 when they continued the Inspection Act, we were not informed: for no such Intention as you have intimated was declared or notified to us; and diffusive as you may suppose the proof to have been of your Intention to reform Abuses, or reduce Exorbitancy, we suspected none other than what was inferred from the Supplemental Bill to the Inspection Act sent to us in the same Session, by which according to our Recollection the Alternative was proposed.

By the Scheme of the Bill of 1745 the Commissary General was to Charge no Fees when the Services should be performed by the Deputies; but it was no part of it, that there should be an Enlargement of the Jurisdiction of the Deputies from £50 to £150. The Inspection Act made no Provision against the Charge of the Commissary General, in the above Instance but enlarged the Jurisdiction of the Deputies to the Extent of £150; no Argument can be drawn from the Rejected Bill to prove a Charge under the Act of 1747 to be an Abuse; but the Rejected Bill may be material in another view. It shews what was the Construction of, and the usage under the Act of 1715, and the Provision being omitted in the Inspection Act shews what the Legislature in 1747 intended should p. 600

U. H. J. be the Operation of this Act. For it appears by the Journals that  
 Liber No. 36 the Assembly in 1747 had the Bill of 1745 under their Consideration  
 Nov. 26

Publick Offices were doubtless erected for the Benefit of the Community, and for the same Purpose are Emoluments given to Support them.

We have not intimated that Deputies were appointed with the Intention of encreasing the Expense, on the Contrary we have said that they were introduced for the Ease of the People, and we may add to lessen the Charge they were liable to before the Act of 1715, which Act, tho' it did not deprive the Commissary General of his Fees, except in the Case of Pauper Estates, consulted the Convenience of those to whom an Option was given to transact Business with the Commissary General or his Deputy. The Commissary General before the Act of 1715 Charged his Fees on "every" Administration. By this Act if the Estate be so small as that the Inventory of it shall not Amount to £10: in Money, there shall be paid to the Deputy for Granting Letters of Administration &<sup>t</sup> the Sum of 50<sup>lbs</sup> of Tobacco, and no more, and "in every such Case" the Commissary General shall have no Fees; so far and no farther is the Commissary General restrained by the Act of 1715, and the Usage or Practice has invariably Corresponded with this Restriction.

p. 601 By the late Inspection Act the Fees were expressly given to the Commissary General for "every" Letter of Administration. For "every" Bond for every Oath &<sup>t</sup> and the generality of the Expression is only Qualified in respect of pauper Estates. That there should be an Inclination to Abolish these, and other Fees we do not wonder and apprehend that the Reduction of Income has rather been the design than the Correction of Abuse. We are most certainly assured the Interest of the Commissary General would be so little Consulted by an acceptance of what you proposed, that it would reduce his Income below the Regard of a Gentleman. If the double charge as you call it, should be disputed, what would be the decision, or whether the Commissary General would think proper to bring his Suit on a Quantum Meruit, or on the Testamentary, or Administration Bond of the Party, or in any other manner, we can't undertake to Say, but presume you will agree with us in Opinion, that, if no new Regulation of the Fees should be Established, the pauper Estates instead of £30. as settled by the late Inspection Act, will only be £10. and the Jurisdiction of the Deputy Commissaries will not exceed £50. instead of being extended to £150. according to the Enlargement of it by the Inspection Act, and that it would be for the Ease and Convenience of the people pauper Estates should be £30. and the Jurisdiction of the Deputy Commissaries extended to £150.

Do you chuse the Regulation of Fees proposed by the Bill of 1745, which you have mentioned in Terms of so much Approbation, should



now be Established? be pleased to declare explicitly? we are willing to adopt that Regulation. Or do you mean to Contend for the Reduction in the Article of the double Charge as you call it, upon the Authority of the Bill of 1745, and your persuasion that the Framers of it were particularly attentive to and careful of the publick Convenience, and depart from it in the other Respects? If you do all prospect of an Accomodation is at End. Should it really appear that there have been improper Charges for Recording, we can only repeat, what we have already expressly declared, that we are willing such Charges may be prevented in future.

U. H. J.  
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p. 602

The Conferees Adjourn until to Morrow Afternoon 4 oClock

Thursday Afternoon 21.<sup>st</sup> November 1771.

The Conferees met according to Adjournment

Present as Yesterday

The Conferees Adjourn until to Morrow Morning 12 oClock

Friday Morning 22.<sup>d</sup> of November 1771.

The Conferees met according to Adjournment

Present as Yesterday and M.<sup>r</sup> Grahame of the Lower House

The Conferees Adjourn until to Morrow Morning 11 oClock

Saturday Morning 23.<sup>d</sup> of November 1771.

The Conferees met according to Adjournment

Present as Yesterday

The Conferees of the Lower House deliver to those of the Upper House the following Viz.<sup>t</sup>

The Lower House framed the Bill entitled "An Act for amending the Staple of Tobacco, for preventing Frauds in his Majestys Customs . . . [*The message or paper beginning thus is printed in full in the Lower House Journal, pp. 201-207.*]

The Conferees of the Upper House deliver to those of the Lower House the following. p. 612

The Conferees of the Upper House apprehending that there are many Passages in the Paper now delivered which do not justly represent their Conduct desire another Meeting, that they may have an Opportunity of Vindicating it, which considering the frequent Adjournments from the last Meeting desired by the Conferees of the Lower House, and agreed to by those of the Upper they hope will be admitted without Difficulty.

U. H. J. Whereupon the Conferees of the Lower House Recur to their  
Liber No. 36 House for Instructions.  
Nov. 26

They return and acquaint the Conferees of the Upper House that their House have directed them to agree to a further Adjournment of the Conference.

The Conferees Adjourn until Monday 4 oClock in the Afternoon

Monday Afternoon 25.<sup>th</sup> November 1771.

The Conferees met according to Adjournment

Present as on Saturday.

The Conferees Adjourn until to Morrow Morning 11 oClock

Tuesday Morning 26.<sup>th</sup> of November 1771.

The Conferees met according to Adjournment

Present as Yesterday except M.<sup>r</sup> Chase of the Lower House.

The Conferees of the Upper House deliver to those of the Lower House the following.

p. 613 When Applications were made to Us from time to time by the Conferees of the Lower House to defer our Meeting we were flattered by our ardent Wishes for a reasonable Settlement that the Interval gained by the frequent Adjournments, would be productive of some expedient, by which Dissent might be reconciled and the Passage of the Inspection Bill facilitated and were therefore struck with concern and Surprise when we found that the Time had been misemployed in perverting Facts and indulging a petulance, which the least Idea of Decorum unextinguished by the Inveteracy of Habit would have repressed.

You hoped, so you have professed, that Reason and Argument would reconcile the differing Sentiments of the two Houses and therefore agreed to a Conference. If such was really your hope it is unfortunate indeed that you so entirely forgot the Grounds of it as instead of Reason and Argument to offer professions for proofs Evasions for Answers, Assertions to convince, and rudeness to conciliate.

The Eulogy's on your "unbiassed Judgment," "immutable Justice" and "soundest policy" would have been more graceful and Honourable, had they not been bestowed by yourselves, and better Credited too, unless your Reliance be infallible, that Credulity will keep pace with Confidence.

The Regulation of Officers Fees is as certainly of Importance, as that an express Law preventive of Contest is better than opinions

studiously calculated and industriously exhibited to promote Discontent, and encourage expensive Litigation.

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You thought the Regulation of Officers Fees ought, in the first place, to have been settled, not because it first occurred in the Bill, but for other Reasons assigned in your last Paper of which we no more Perceive the Force than we are able to guess at the Event which has approved them. We have not declined the Consideration of this Topick, nor has any Time been lost by the Arrangement of our Propositions. You have been constrained to admit that we have imparted our Reasons, tho you think it useless to examine them minutely; but is such Conduct Consistent with the Purpose of a Conference as would naturally be pursued by the very Opponents of the Measure? We at once declared, that we would not agree to a Reduction of the Fees, legally chargeable under the Old Table beyond that very considerable one in the Election given to all Persons to Pay in Money or Tobacco; if a further Reduction than this was your Aim why did you not at once avow it and terminate the Conference at least with Civility? We have over and again offered to concert with you the proper Means for preventing every Abuse committed under the Old Table; but we are not bound to admit every thing to be what you chuse to call it. You have not informed us in what Instances the Demands of the Surveyors and Examiner have been Extravagant nor pointed out the Abuses they have actually Committed. We are not acquainted with their Abuses; We must understand the Subject, and have a fair Opportunity of judging upon it before we bind ourselves by Concessions. The Matters you have represented to be Abuses in the Commissaries Office, are the Orders and Charges on Administrations & granted by the Deputies. You asserted that "there is an additional Order in this Office to almost every Act done therein, when the Old Table made the Allowance only in Testamentary Causes and in Order to correct this supposed Abuse, the new Table allows only in the single Instance of entering every Motion in Court, and Order thereon Five Pounds of Tobacco." Must not such an Alteration very much diminish the Fees of the Commissary General, when there can be no pretence that it is necessary to prevent Abuse, since "besides" the Allowance for Orders in Testamentary Causes the only Allowance you have acknowledged the Old Table most expressly gives a Fee for Orders in four other Instances, exclusive of the general Article. Can this be directly denied to be an attempt to reduce under the pretence of correcting Abuses?

As to the double Charge as you call it, we may add to what we have already advanced, that it is not only Consistent with constant usage; but has been admitted to be regular in the various Instances both at Law and in Equity, of Allowances made to Executors and Administrators for their Charges, and Disbursements. You have



U. H. J. positively asserted that we proposed the Regulation of Fees contained in the Bill of 1745 should now be Established with respect to the Secretarys and Commissary Generals Offices to say nothing of the other Offices. Egregious Misrepresentation? in what part of our Paper was the Secretarys Office or any other except the Commissarys even mentioned, or with what degree of Propriety or Candour can our Proposition, respecting the Bill of 1745, be applied to the Secretary or any other Officer, than the Commissary? We modestly proposed you aver, an Addition of 25 Per Cent to the late  
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 p. 616 Regulation of Fees in those Offices; is such Language as this Suitable to the nature of our Intercourse? In the outset of the Conference we discovered that Pertinacity was included in your Idea of Dignity and we must now infer from your Expressions, that Misrepresentation and ill manners compleat it.

The want of Decency is as little proof of superior Probity as it is of superiour Sense. In your Paper of the 19.<sup>th</sup> Instant you alledge, in Answer to what we had urged in respect of the Commissary Generals Charge when Services are done by his Deputies that in the Year 1745 the Regulation of Officers Fees being a principal object of Attention, a Bill was framed for the Purpose in Consequence of an Agreement between Conferees and passed both Houses; that the double Charge Was then under Consideration, twice agitated and finally agreed to be abolished; to confirm your State you added an Extract from the Journals and Subjoined these words “this Extract needs no Comment.” The Sense of the two Houses “on this Point” is fully and clearly expressed, what point but the double Charge? Our Answer to you on this Head was that by the Scheme of the Bill of 1745 the Commissary General was to Charge no Fees, when the Services should be done by the Deputies; but it was no part of it that there should be an Enlargement of their Jurisdiction from £50. to £150. That the Inspection Act made no Provision against the Charge of the Commissary General in the above Instance, but enlarged the Jurisdiction of the Deputies to the Extent of £150. That no Inference could be drawn from the rejected Bill to prove a Charge under the Regulation of 1747 to be an Abuse, tho that Bill might be material to shew what was the true Construction of, and usage under the Act of 1715 and that the Omission of the Restriction  
 p. 617 in the Inspection Act shewed, what the Legislature in 1747 intended should be the Operation of this Act, because it appears by the Journals that the Assembly in 1747 had the Bill of 1745 under their Consideration. We referred to the Practice before the Act of 1715, to the Terms of this Act as well as of the Inspection Law, and to the constant Usage under both, represented our Persuasion that the Income of the Commissary would be so much reduced by the New Table as to be below the Regard of a Gentleman, and pointed out for your reflection what would be the Consequence in regard to

pauper Estates, and the Jurisdiction of the Deputies, if left to the Act of 1715. Then followed our Proposition in these words Do you chuse the Regulation of Fees proposed by the Bill of 1745, which you have mentioned with so much Approbation, should now be established? Be pleased to declare explicitly; We are willing to adopt that Regulation; Or do you mean to contend for the "Reduction in the Article of the double charge," on the Authority of the Bill of 1745, and your Persuasion that the Framers of it were particularly attentive to and careful of the Publick Convenience, and depart from it in the other respects? If you do all Prospect of an Accomodation is at an End; does a single Syllable occur, relative to the Secretarys Office, or to any other than the Commissarys? Was not the "Double Charge" the immediate Subject of Discussion? What is the Antecedent, to which the relative Expressions are Applicable? Did we not expressly mention our persuasion, that the Income of the Commissary General would be reduced by the New Table below the Regard of a Gentleman? What relation to, or Effect upon his Income could an Extent of the proposed Regulation of 1745 to the other Officers have? Can it be really imagined, when the general Question on the Conference was, to what Degree Fees of Officers should be reduced, and when we have only Contended for the Old Table with the Allowance of the Alternative to the people and You for a Reduction more Considerable, that we could mean to propose an Addition of 25 p Cent to the Fees of the Officers Settled by the Old Table? A general Expression occurring, that has been catch'd at, and the certain Rule of Construction sacrificed to the Favourite Purpose of venting Contumely in illiberal Language, and fixing an unmerited Odium. The Conclusion of our Paper, if farther Argument were necessary, demonstrates that it could not be our meaning to include the Secretary or County Clerks, whose names were not mentioned, or Officers hinted at in any former part of it, had such been our Meaning the Repet[it]ion of our willingness to prevent in future, Charges for Recording under the Table of 1747 that should appear to be Abuses, would have been extremely incongruous.

U. H. J.  
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p. 618

It cannot but be expected that under the Alternative extended to all Persons, to Pay in Money or Tobacco very little if any Tobacco would be paid, unless it should happen to fall to or below the value of the Money. On this Supposition should the proposed Regulation of 1745 be established, instead of that of 1747. We are well satisfied the Income of the Commissary General under the former would be so far from exceeding his Income under the latter Regulation 25 p Centum, that it would rather fall Short of it in Consequence of the great Reduction, in the Article of Services done by his Deputies.

It is most probable that the Business in the Offices will be augmented with the increasing population of the Country; but with the Business so will the Trouble and every Expense increase.

U. H. J.  
Liber No. 36  
Nov. 26  
p. 619

It has been found in England that Fees settled by a Stat: of Henry the Eighth in some Testamentary Cases, notwithstanding the Subsequent increase of Business, have become so inadequate, from the Depreciation of Money and the Augmentation of every Expense, that practice and Allowance have established an Addition to them.

Th'o we have been at the trouble of shewing you at large that your Construction of our Proposition is repugnant to our Meaning yet to prevent any possible Impression being taken that the Passage of the Bill failed because our Proposition extended to "all" Officers, we think it necessary most explicitly to declare that we desire the Proposition may be understood to relate to the Commissary General only.

You say that the Governors Message in respect of the Clergy had determined our Action, th'o it does not seem to have convinced our Understanding. The little smartness of this remark does not atone for the Injustice and Rudeness of it, as every one must Perceive, who may happen to peruse our propositions, to which we take the Liberty to add that, however offensive his Excellency the present Governors Tenderness on the Affair of the Clergys Freeholds may be to you, in the Year 1739, when Governor Ogle proposed the Forty Per poll should be discharged in Paper Money at Ten Shillings Per Hundred Pounds of Tobacco, the Lower House Expressed themselves on the Subject in the following Terms, "This House is not acquainted with the Disposition of the Clergy in Point of their Forty Per Poll, and shall always have a just Regard to that Reverend Body, nor attempt to intrude any Terms on them which may not Suit their Inclinations to accept of; but shall always be ready and willing to receive such proposals as they may judge suitable to make." Nor was this Sentiment of the Lower House in 1739 peculiar, for in all Bills for the Division of Parishes care has been taken not to affect the Incumbent in his Rights of Freehold without his Consent.

You hoped as we could get nothing by acting "contrarily," for our united Efforts to obtain the Relief of the People by a new Regulation of the Clergys dues. Whatever general Relief might arise from a new Establishment, we, and our Connexions would equally partake of with others, but Relief is not to be gained by intemperate Exertions, and imprudent perseverance. Every practicable Method of Relief we could think of we have proposed and you have rejected.

Had your Invention struck out any other than has occurred to us we should have Examined it with Candour and adopted it if worthy of Adoption with Alacrity. Your Bill indeed has proposed a Method, but you have found it to be unattainable, and is it the part of Discretion to lose what you may get when you can have no Prospect of obtaining what you wished to accomplish? We should have no Objection to the Continuance of a new Regulation of the Clergy accord-



ing to our proposition, for Twelve or fifteen Years; but an indefinite Duration of it we should never agree to.

U. H. J.  
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Sir Henry Spellman, observes that "Eight Bushells of Wheat were formerly estimated at Twelve Pence as appears by an Assize of Bread in the 51.<sup>st</sup> Year of Henry the 3.<sup>d</sup>" In Blackstones Commentaries there is this Passage "Bishop Fleetwood about Sixty Years since fully proved Forty Shillings Per Annum in the Reign of Henry the 6.<sup>th</sup> to have been equal to £12 per Annum in the Reign of Queen Ann, and as the value Money is very considerably lowered since the Bishop wrote, I think we may fairly conclude from this and other Circumstances, that what was equivalent to £12 in his Days is equivalent to £20 at present." p. 621

The same Author speaking of the Stat: Elizabeth, which directs that "One third part of the Old Rent then paid should for the future be reserved on Colledge Leases in Grain, reserving a Quarter of Wheat for each 6/8 or a Quarter of Malt for every 5/ or that the Lessees should pay for the same according to the Price that Wheat or Malt should be Sold for in the Market next adjoining to the respective Colleges, on the Market Day before the Rent becomes Due, has these Words." This is said to have been an Invention of Lord Burleigh and Sir Thomas Smith, who observing how greatly the value of Money had Sunk, and the price of all Provisions risen by the Quantity Bullion imported, (which Effects were likely to encrease to a greater Degree) devised this Method for upholding the Revenues of Colleges. Their Foresight and Penetration have in this respect been very apparent; for tho' the Rents reserved in Corn were at first but one third of the old Rent, or half of what was still reserved in Money, yet now the proportion is nearly inverted, and the Money arising from Corn Rents is Communibus Annis, almost double to the Rents Reserved in Money.

The Decent Maintenance of the Clergy is an Object of great Importance, and not to be neglected; but the pecuniary Composition now adequate; may hereafter from Money's falling in value not afford them a Competent Support, and therefore an Act giving a pecuniary Compensation ought we think to be Temporary. You have not Answered, or even attempted to Answer our Reasoning on the Article in the Old Table for filing and recording. Your Doctrine of Records if it could be supported, would be so far from fixing the Charge of Abuse, that it would rather prove, more might have than has been demanded under that Article. You have not either hinted at any Rule of apportionment, or that the Service of Filing ought to be performed for Nothing. p. 622

Without doubt the Judgments entered in Record Books are Records; but it does not therefore follow that Nothing which is not so Entered, is not a Record, nor do the Acts of 1716 and 1742 prove the Propriety of your Idea in the Limitation.

U. H. J.  
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The present Assize Bill (as well as of former Assize Laws) directs the Records to be made out for the Trial of Issues in Fact at the Assizes. In these cases there are no Judgments entered up or Transcribing the Pleading into a Book. The Suits may abate, be agreed or discontinued. If an Action be prosecuted in the Provincial Court, and afterwards another Action in the County on the same Bond may not the former be pleaded in Bar of the latter? If a Suit be abated by the Death of the Defendant, and without Delay renewed against his Executor or Administrator, may not the Bar from the length of Time be avoided by pleading the former Suit, and recent renewal? In either of the Cases put; tho' the Proceedings be not Transcribed into a Book, may they not be properly referred to as Records?

In what respects the Clerks differ in their manner of charging we do not know; but what is wrong we are willing to Correct. It is true that when it becomes necessary to Transcribe the Pleadings into a Book, the trouble is greater than when this Business is not done, and the Reward therefore is not always Proportioned to the trouble; but this exact Proportion between the Service, and the Reward cant always be maintained

By the Laws of this Province yet in full Force, an Attorney has an Allowance of the "same" Fees on Finishing a Suit in which he is concerned, whether it End in a Judgment, after the Trial of Issues in Fact, Arguments on Demurrer, and Motion in arrest of Judgment or by the Death of one of the Parties immediately after Appearance, and yet on the whole we presume you will not strenuously content that the Fee allowed by Law is extravagant, and requires Reduction.

As to the Time of Payment we do not perceive any Inconvenience from it, but what may fall upon the Improvident, whom hardly any Indulgence can save from Distress. If the Farmer is supposed to be unable to pay before he shall have disposed of his Crop, Your Time of the 10.<sup>th</sup> of August would not Suit his Circumstances, for he could not dispose of his Crop to advantage till some Months after that Day.

As to the Publick and County Levy, and Parochial Charges when the former shall be laid, the Law directing it may properly appoint the Time of Payment, and for the most part they who may be concerned in the County Levy, or parochial Charges may make their Contracts or have their Allowances suited to the time of Payment; but they who cant, we agree ought to be paid in the same manner with the Officers and Lawyers.

As to the Inspectors Bonds, we shall only observe, that there ought to be a Security against the Oppression of Inspectors as well as of other Men, and that, as the Bill is framed we apprehended they might be perpetually harrassed by Groundless Suits and receive no Satisfaction for the Costs attending their Defence.

Such have been your Affectation of want of Comprehension your Propension to Mistake, and Resolution to Misrepresent, that Repetition however irksome, became necessary, and Prolixity disgusting as it is unavoidable. It has been our Observance not to give Offence, but we esteemed it to be as little our Duty as we feel it to be our Inclination not to repel wanton Insult.

U. H. J.  
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Nov. 26

The Conferees Adjourn until 4 oClock in the Afternoon

Post Meridiem

The Conferees met according to Adjournment

Present as in the Morning and John Beale Bordley Esq of the Upper House

The Conferees of the Lower House deliver to those of the Upper House the following.

We are instructed to inform your Honours that a particular Answer to your illeberal Language cannot be productive of any Publick Good; and not being disposed to attempt a Rivalship with your Honours in the Talents for petulance and impertinent invective the Lower House have ordered an End to be put to this Conference.

Whereupon the Conferees of the Upper House deliver to those of the Lower House the following.

The Style of the Paper now delivered by the Conferees of the Lower House is so consistent with the Spirit of their other Proceedings that we are not Surprised at it, and most willingly Consent an End may be put to an Intercourse so extremely disagreeable.

So Ends this Conference, the 26.<sup>th</sup> day of November Anno Domini 1771.

Signed by Order James Brooks Clk

Read the second Time in this House a Bill entitled "An Act for Amending the Staple of Tobacco for preventing Frauds in His Majestys Customs and for the Limitation of Officers Fees" and will not Pass. So Endorsed and sent to the Lower House by Daniel of Saint Thomas Jenifer Esquire. p. 625

Adjourned until to Morrow Morning 10 of the Clock

Wednesday Morning November the [27.<sup>th</sup>] 1771.

Nov. [27]

The House met again according to Adjournment

Present as Yesterday except Charles Hammond Esq

Mess.<sup>rs</sup> Baxter and Thomas bring up a Bill entitled "An Act for the Speedy and effectual Publication of the Laws of this Province and for the Encouragement of Anne Catharine Green, of the City of Annapolis Printer." Read the first and second Time in the Lower



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Nov. [27] House and will Pass, which was Read the first and second Time, by an especial Order in this House and will Pass. So Endorsed and Sent by Walter Dulany Esq.

Mess.<sup>rs</sup> Baxter and Deye bring up a Bill entitled “An Act to empower Mary Louttit, Executrix of James Louttit deceased to Convey one undivided third part of the Mill and Land therein mentioned.” Read the first and second Time in the Lower House and will Pass. Which was Read the first and second Time by an especial Order in this House and will Pass. So Endorsed and sent to the Lower House by William Hayward Esq

Adjourned until 4 of the Clock in the Afternoon

Eodem Die post Meridiem

The House met again according to Adjournment

Present as in the Morning.

Mess.<sup>rs</sup> Worthington and Hammond bring up a Bill entitled “An Act relating to the Levy and poor of Ann Arundel County.” Read the first and second Time in the Lower House and will pass. Which was Read the first and second Time by an especial Order in this House and will pass. So Endorsed and sent to the Lower House by W.<sup>m</sup> Hayward Esq

Mess.<sup>rs</sup> Tilghman and Thomas bring up a Bill entitled “An Act empowering the County Courts to Settle with Persons who were formerly Inspectors of Tobacco, and for the Ease of the people in publick Payments.”

Read the first and second Time in the Lower House and will Pass. Which was Read the first Time in this House and ordered to lie on the Table

Mess.<sup>rs</sup> Tilghman and Thomas bring up an Engrossed Bill, entitled “An Act for the Speedy and effectual Publication of the Laws of this Province, and for the Encouragement of Anne Catharine Green of the City of Annapolis Printer.” Read and Assented to by the Lower House of Assembly. Which was Read and Assented to by this House and Ordered to be so Subscribed. The Paper Bill so Endorsed Sent to the Lower House by William Hayward Esq.

Adjourned until to Morrow Morning 10 of the Clock

Nov. 28

Thursday Morning November the 28.<sup>th</sup> 1771.

The House met again according to Adjournment.

Present as Yesterday.

Mess.<sup>rs</sup> Baxter and Moale bring up the following Engrossed Bills Read and Assented to by the Lower House of Assembly.

A Bill entitled "An Act to impower Mary Louttit, Executrix of James Louttit deceased, to Convey one undivided third part of the Mill and Land therein mentioned." U. H. J.  
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A Bill entitled "An Act relating to the Levy and poor of Ann Arundel County.

These two Bills were Read and Assented to by this House and Ordered to be so Subscribed, the Paper Bills so Endorsed were Sent to the Lower House by George Steuart Esq.<sup>r</sup> p. 627

Mess.<sup>rs</sup> Tilghman and Johnson from the Lower House bring up the following Message and Resolve.

By the Lower House of Assembly 28.<sup>th</sup> November 1771.  
May it please your Honours.

We herewith send you a Resolve of this House relative to the Deputies of several Tribes of Indians, who are expected to pass through this Province for your Concurrence.

As we have no Business at present before us that requires our staying any longer We request your Honours to return such Bills as may be lying on your Table, that a speedy End may be put to the Session.

Signed by Order Jn.<sup>o</sup> Duckett Cl. Lo. Ho.

Resolved that a Sum of the Publick Money in the Hands of the Treasurer of the Western Shore; not exceeding fifty Pounds common Currency, be paid to the Order of His Excellency the Governor for the accomodation of the Deputies of the Delaware Munsie and Mohekin Indians whilst in this Province.

Signed by Order Jn.<sup>o</sup> Duckett Cl. Lo. Ho.

Resolved by this House That a Sum of the Publick Money in the Hands of the Treasurer of the Western Shore, not exceeding fifty Pounds common Currency, be paid to the Order of His Excellency the Governor, for the accomodation of the Deputies of the Delaware Munsie and Mohekin Indians whilst in this Province.

Signed by Order. UScott Cl. Up. Ho.

Adjourned until 4 of the Clock in the Afternoon

p. 628

Eodem Die Post Meridiem

The House met again according to Adjournment

Present as in the Morning

The following Message is Sent to the Lower House by G: Steuart Esq

By the Upper House of Assembly 28.<sup>th</sup> November 1771.  
Gentlemen.

This House concurs with your Proposition that a Sum of the Publick Money in the Hands of the Treasurer of the Western Shore,

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not exceeding fifty Pounds common Currency be paid to the Order of His Excellency the Governor, for the accomodation of the Deputies of the Delaware Munsie, and Mohekin Indians, whilst in this Province.

Signed by Order. UScott Cl. Up. Ho.

Read the Second Time in this House the Bill entitled a Supplementary Act to the Act entitled An Act for the more effectual Security, of Orphans Estates and will Pass with the following Amendments Viz.<sup>t</sup>

At the End of the Bill insert as follows Viz.<sup>t</sup> And whereas Estates of Deceased Persons from a tenderness to Executors and Administrators, are frequently estimated by the Appraisers below their true value, and the Executors and Administrators are or ought to be accountable for the full value, so far as the same shall be Sold, upon an open fair and Publick Sale, and on the other Hand they ought only to be answerable for what the same shall be so bonâ fide Sold although it shall be below the Estimate of the Appraisers, and whereas there are Perishable Goods in all such Estates, which the Executors or Administrators frequently take to themselves, at the appraised low value, or estimate returned to the prerogative Office, or suffer them to be by use or abuse diminished in value, to the Injury of the Legatee and others; Be it therefore Enacted by and with the Consent and advice aforesaid that all Executors and Administrators shall hereafter as soon as conveniently the same may be done, Sell and dispose of all such Goods and Chattels of their Testator, or Intestate (Manuscript Books and Papers of all Sorts Family Pictures and specifick Estate according to the Acts of Assembly excepted) as are or may be liable to Perish consume or be the worse for using or keeping and also when other personal Estate is all duly Administered and paid away, shall Sell as much only of the specifick personal Estate as shall be necessary to discharge the Debts and Legacies (other than specific Legacies) of the Testator, or the Debts of the Intestate for the most that can be got for the same, in Money by Publick Sale, or Auction upon the best or most Publick Notice, of such intended Sale and shall or may, for the enhancing the price thereof to its full value give Credit, not exceeding one Year, upon all Sums above eight Pounds, upon Bonds with good Security, and when such Goods and Chattels shall be so bonâ fide Sold the Executors or Administrators shall be answerable thereon, for the value of such Sale and no more, and the Executors or Administrators may assign such Bond or Bonds to the Legatees or other Distributees which shall discharge the Executors or Administrators for so much against him or them, the said Executor or Administrator having first paid or satisfied the Debts appearing to be due from such Estate. Provided always that if after such Assignment the Obligor or Obligors become Insolvent, so as the



Money therein mentioned or any part thereof be lost, without the neglect of the Assignee such loss shall be made good to the Assignee, out of the Estate of the Testator or Intestate, and if the Security or Securities in such Bond or Bonds were insolvent, or reputed of doubtful Ability to pay, at the Time of the Bond given, then the Assignee shall be paid and satisfied such Sum by the Executor: or Administrator out of his own proper Estate and his Assignment of such Bond or Bonds as aforesaid, shall not operate as a Discharge in manner aforesaid. And be it Enacted that the Appraisement or Inventory returned into the Prerogative Office may be given in Evidence in any Action brought against such Executor or Administrator, as hitherto used to prove the Value of the Estate, but shall not be conclusive either upon the Executor, Administrator, Creditor, or other person where it shall appear in proof that such Goods or Chattels bonâ fide Sold for more or less than the Appraisement, but the parties shall be concluded therein by the proof of the value on such Sale. Provided also, That no such Sale as aforesaid shall be made where the last Will and Testament of any Testator, who shall leave other Effects sufficient to satisfy his just debts, shall direct to the contrary or where any Residuary Legatee shall enter into sufficient Bond with good Security for the Payment of all the Testators Debts and lodge the same Bond in the Prerogative Office of this Province, with a Probate of the due Execution thereof made by the Subscribing Witnesses before the Commissary General Deputy Commissary or some Provincial or County Justice or other Magistrate having authority to Administer an Oath. And that Claimants may more easily know the value of such Sales Be it Enacted that Executors or Administrators shall with all convenient speed make out a List or Inventory of all such personal Estate as they shall as aforesaid cause to be Sold in Columns with the Dates names of the Buyers and the several Prices for which they Sold, also a distinct Column mentioning what thereof were included in the Inventory of the Appraisers and what thereof were not and shall then before some Magistrate duely authorised to Administer an Oath depose, or if a Quaker affirm, that after using his best Endeavours to procure Buyers by Notices put up and continued in many different places the most Publick and usual for Advertisements in the County and Neighbourhood of the place where the same were sold intimating the Time and Place of such Sale he had fully and fairly Sold the said Estate for the best Price that could be got in manner as by this Act is directed and that the said List is a just full and true Account thereof, which List shall be Subscribed by the Executor or Administrator and also by the Auctioneer if any and then with all Speed the Executor or Administrator shall cause the same to be lodged in the said Office

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And it being apprehended that an Auctioneer who is used to Sell in the said way would be more likely to procure the utmost value

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Nov. 28

than one unused therein Be it Enacted that Executors or Administrators may if they think fitt hire such Auctioneer to Sell such Estate in manner aforesaid and the Executors or Administrators may pay him as they can agree therefor not exceeding the rate of two Pounds ten Shillings Per Centum on the amount of such Sale.

This Act to continue three Years and to the End of the next Session of Assembly after the End of the said three Years. So Endorsed and sent to the Lower House by George Steuart Esq.

Read the second Time in this House a Bill entitled “An Act empowering the County Courts to Settle with Persons who were formerly Inspectors of Tobacco, and for the Ease of the People in the Payment of the Public Dues” and will Pass with the following Amendments Viz.<sup>t</sup>

After the word “Tobacco” in the Title leave out the Remainder thereof

After the word “unpaid” in the sixth line of the first Page, leave out what follows to the word “dues” inclusive, in the seventh line of the same Page. After the word “Inspectors” in the eleventh line of the second Page, leave out what follows to the End of the Bill. So Endorsed and sent to the Lower House by John Ridout Esq. Adjourned until to Morrow Morning 10 of the Clock

Nov. 29

Friday Morning November the 29.<sup>th</sup> 1771.

The House met again according to Adjournment

Present as Yesterday.

p. 633

Read the second Time in this House and will not pass the six following Bills.

A Bill entitled “An Act for more effectually preventing the Buying and Selling of Offices and to prevent Simoniactal Contracts.”

A Bill entitled “An Act for Trial of all Matters of Fact in the several Counties where they have arisen or shall arise.”

A Bill entitled “An Act for the Relief of the sufferers at Bladensburgh Warehouse.”

A Bill entitled “An Act for raising four pence Sterling on every Hogshead of Tobacco exported out of this Province for the Support of an Agent at London, for the Service of this Province.”

A Bill entitled “An Act to aid Defective common Recoveries.”

A Bill entitled “An Act for issuing Writs of Replevin out of the County Courts of this Province.”

Mess.<sup>rs</sup> Thomas Wright and William Richardson bring up the following Engrossed Bill Read and Assented to by the Lower House of Assembly.

A Bill entitled “An Act empowering the County Courts to Settle with Persons who were formerly Inspectors of Tobacco.”

This Bill was Read and Assented to by this House and Ordered to be so Subscribed, the Paper Bill so Endorsed was Sent to the Lower House by [John Ridout]

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Nov. 29

Adjourned until 4 of the Clock in the Afternoon

Eodem Die post Meridiem

The House met again according to Adjournment

p. 634

Present as in the Morning.

Adjourned until to Morrow Morning 10 of the Clock

Saturday Morning 30.<sup>th</sup> November 1771.

Nov. 30

The House met again according to Adjournment

Present as Yesterday

Ordered That the Clerk of this House receive the same Fees on all private Bills, passed this Session as shall be paid to the Clerk of the Lower House.

Mess.<sup>rs</sup> Grahame and Mackall acquaint his Excellency that there is no Business before their House.

Benedict Calvert and Daniel Dulany Esquires are sent to the Lower House to acquaint them that his Excellency requires their Attendance in the Upper House immediately to see the Bills passed this Session receive the Assent.

The Lower House attend and by their Speaker present to His Excellency the following Bills.

A Bill entitled "An Act empowering the Justices of Prince Georges and Frederick Counties, to Levy on the Taxable persons of Prince Georges Parish in said Counties, the Sum of Ninety six Thousand Pounds of Tobacco, for building a new Parish Church at or near the place where the Old one now stands."

A Bill entitled "A Supplementary Act to the Act entitled An Act for the building a Parish Church in Queen Anne Parish in Prince Georges County."

A Bill entitled "An Act continuing an Act entitled an Act to Establish a Market at the Market House in Chester Town in Kent County and for the Regulation of the said Market."

A Bill entitled "An Act continuing an Act entitled An Act for the Preservation of the Breed of Fish." p. 635

A Bill entitled "an Act for imposing a further additional Duty of five Pounds Current Money per poll on all Negroes imported into this Province."

A Bill entitled "A Supplementary Act to the Act entitled An Act for the building of a Parish Church in Christ Church Parish in Calvert County."



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A Bill entitled "An Act to empower the Justices of Somerset and Worcester Counties, to Levy on the Taxable Inhabitants of Stepney Parish in said Counties, the Sum of sixty Thousand pounds of Tobacco, for the uses therein mentioned, and to establish the Church at Greenhill the Parish Church for said Parish."

A Bill entitled "An Act to impower the Justices of Worcester County to Levy on the Taxable Inhabitants of All Hallows Parish in said County the Quantity of Thirty two Thousand Pounds of Tobacco for the uses therein mentioned."

A Bill entitled "An Act for preventing trivial Suits in the Provincial Court."

A Bill entitled "An Act for confirming to Samuel Cookson of Baltimore County sundry Lands therein mentioned."

A Bill entitled "An Act to prohibit raising Swine and Geese in George Town Frederick County."

A Bill entitled "An Act reviving and continuing an Act entitled An Act for amending and repairing the publick Roads in Baltimore County."

p. 636 A Bill entitled "An Act to divide Prince Georges Parish in Frederick and Prince Georges Counties and to erect one New Parish by the name of Christ Church Parish."

A Bill entitled "An Act to prevent the Exportation of Flour not Merchantable from George Town in Frederick County."

A Bill entitled "A Supplementary Act to the Act entitled An Act to enable the Justices of Dorchester County Court to assess and Levy on the Taxable Inhabitants of the said County, a Quantity of Tobacco for the Purpose of building a Court House."

A Bill entitled "An Act to impower Frank Leeke and George Digges, Administrators of Charles Digges late of Prince Georges County Deceased, with the last Will of the same Charles to their Letters of Administration annexed, to Sell a Lott of Ground of the same Charles situate and being in the Town of Upper Marlborough in Prince Georges County aforesaid, for the Payment of the Debts of the said Charles."

A Bill entitled "An additional Supplementary Act to the Act entitled an Act for the Relief of the poor within the several Counties therein mentioned."

A Bill entitled "An Act to enable the Commissioners for Emitting Bills of Credit to pay to William Mills, John Peacock, Peter Payne Executor of Ralph Price, and Anne Gaither the Sums of Money therein mentioned."

A Bill entitled "An Act to prevent the Exportation of Flour Staves and Shingles not Merchantable, from the Town of Baltimore or Fells Point in Baltimore County, and to regulate the Weight of

Hay and Measure of Grain, Salt Flax-seed and Fire-wood within the said Town."

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Nov. 30  
p. 637

A Bill entitled "An Act continuing an Act entitled An Act for Licensing Ordinary Keepers, Hawkers, Pedlars, and Petty Chapmen."

A Bill entitled "An Act for the Relief of certain Prisoners in the several Jails therein mentioned."

A Bill entitled "An Act to remedy divers Defects in the Records of Charles County."

A Bill entitled "An Act for the further Adjournment and Continuance of the High Court of Appeals."

A Bill entitled "An Act for the Adjournment and Continuance of Frederick County Court."

A Bill entitled "An Act to empower the Justices of Prince Georges and Charles Counties to Levy on the Taxable Inhabitants of Saint Johns (commonly called King Georges) Parish in said Counties the Quantity of fifty six Thousand Pounds of Tobacco for the Purposes therein mentioned."

A Bill entitled "An Act for the Naturalization of Charles Frederick Weisenthal."

A Bill entitled "An Act to Levy on the Taxable Inhabitants of Baltimore County the Quantity of three hundred Thousand pounds of Tobacco for finishing and compleating the Court House and Prison of the said County."

A Bill entitled "An Act to empower Elizabeth Williams Administratrix of George Williams with the Will annexed, to make and execute the Conveyances therein mentioned."

p. 638

A Bill entitled "An Act to empower Jane Ridgely, Executrix of Nicholas Greenbury Ridgely late of Ann Arundel County deceased to Convey the Land therein mentioned."

A Bill entitled "An Act for the directing the Sale of the Lands of John Stone Hawkins, late of Prince Georges County deceased for the Payment of the Debts of the said John Stone Hawkins."

A Bill entitled "An additional Supplementary Act to the Act entitled an Act for the Establishment of Religious Worship in this Province, according to the Church of England, and for the Maintenance of Ministers."

A Bill entitled "An Act to enable the Executors of Thomas Colvil to Convey the Land therein mentioned."

A Bill entitled "An Act for the amending and declaring the Law in the Cases therein mentioned."

A Bill entitled "An Act for the speedy and effectual Publication of the Laws of this Province, and for the Encouragement of Anne Catherine Green of the City of Annapolis Printer."

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Nov. 30

A Bill entitled “An Act to empower Mary Louttit, Executrix of James Louttit deceased, to Convey one undivided third part of the Mill and Land therein mentioned.”

A Bill entitled “An Act relating to the Levy and poor of Ann Arundel County.”

A Bill entitled “An Act empowering the County Courts to Settle with persons who were formerly Inspectors of Tobacco.”

p. 639 All which his Excellency passed into Laws except the Bill entitled “An Act to divide Prince Georges Parish in Frederick and Prince Georges Counties, and to erect one new Parish by the name of Christ Church Parish” and the Bill entitled “An Act for the directing the Sale of the Lands of John Stone Hawkins, late of Prince Georges County deceased, for the Payment of the Debts of the said John Stone Hawkins” in the usual Form by Sealing them with the Right Honourable the Lord Proprietary his Great Seal at Arms and Subscribing them on behalf of the Right Honourable the Lord Proprietary of this Province. I Will this be a Law.

After which his Excellency was pleased to make the following Speech.

Gentlemen of the Upper and Lower Houses of Assembly.

I am Sorry the Season is so far advanced, that you are prevented entering into Consideration of those Subjects which I recommended to your Attention at the opening of the Session, I must however hope that their Utility will not be overlooked the first opportunity that presents itself to you, especially a Review of the State of the Criminal Law, the Defects of which I so fully pointed out, on the Address of the Lower House this Session, a Circumstance which flattered me with hopes, that the same would be taken into immediate Consideration

Gentlemen of the Lower House.

The vast Loss of Time to yourselves, and the great Expence of Money to the Country which have accrued this Session . . . [*The Governor’s address beginning thus is printed in full in the Lower House Journal, pp. 236-237.*]

p. 641 Gentlemen of both Houses.

It is full Time to put an End to this Session: By and With the Advice therefore of His Lordships Council of State, I hereby Prorogue this Assembly to the Eighteenth Day of February next being the third Tuesday of that Month, and you will accordingly take Notice that you are Prorogued to that Time.

Thus Ends this Session of Assembly begun and Held at the City of Annapolis on Wednesday the 2.<sup>d</sup> Day of October ending the 30.<sup>th</sup> Day of November following, in the 21.<sup>st</sup> Year of His Lordships Dominion Anno Domini 1771.

U Scott Cl. Up. Ho.



# PROCEEDINGS

## OF THE

### LOWER HOUSE OF ASSEMBLY

At a Session of Assembly begun and held at the City of Annapolis on Wednesday the second Day of October in the Year of our Lord One thousand seven hundred and seventy One and in the twenty first Year of the Dominion of the Right Honourable Frederick Absolute Lord and Proprietary of the Provinces of Maryland and Avalon Lord Baron of Balt. &.<sup>ta</sup> (his Excellency Robert Eden Esquire being Governor) the following Delegates appeared in the Lower House of Assembly Viz.<sup>t</sup>

L. H. J.  
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#### For S.<sup>t</sup> Marys County.

M.<sup>r</sup> John Reeder, junior,  
M.<sup>r</sup> William Thomas,  
M.<sup>r</sup> Jeremiah Jordan.

#### For Cæcil County.

M.<sup>r</sup> John Veazy,  
M.<sup>r</sup> Benjamin Rumsey,  
M.<sup>r</sup> William Baxter.

#### For Ann Arundel County.

M.<sup>r</sup> Brice Thomas Beale Worth-  
ington,  
M.<sup>r</sup> Thomas Johnson jun.<sup>r</sup>  
M.<sup>r</sup> Samuel Chase.

#### For Prince George's County.

M.<sup>r</sup> Josias Beall,  
M.<sup>r</sup> Robert Tyler,  
M.<sup>r</sup> Thomas Contee.

#### For the City of Annapolis.

M.<sup>r</sup> William Paca.

#### For Calvert County.

M.<sup>r</sup> Benjamin Mackall 4.<sup>th</sup>  
M.<sup>r</sup> Young Parran,  
M.<sup>r</sup> John Weems.

#### For Talbot County.

M.<sup>r</sup> James Lloyd Chamberlaine,  
M.<sup>r</sup> Matthew Tilghman,  
M.<sup>r</sup> Nicholas Thomas,  
M.<sup>r</sup> Edward Lloyd.

#### For Charles County.

M.<sup>r</sup> Joseph Hanson Harrison,  
M.<sup>r</sup> Josias Hawkins.

#### For Queen Anne's County.

M.<sup>r</sup> Edward Tilghman,  
M.<sup>r</sup> Richard Tilghman Earle.

#### For Dorchester County.

M.<sup>r</sup> William Richardson,  
M.<sup>r</sup> William Ennalls,  
M.<sup>r</sup> Joseph Richardson.

#### For Worcester County.

M.<sup>r</sup> Nehemiah Holland.

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For Baltimore County.

M.<sup>r</sup> Samuel Owings jun.<sup>r</sup>,  
M.<sup>r</sup> John Moale,  
M.<sup>r</sup> George Ristean,  
M.<sup>r</sup> Thomas Cockey Deye.

For Frederick County.

M.<sup>r</sup> William Luckett,  
M.<sup>r</sup> Jonathan Hagar,  
M.<sup>r</sup> Thomas Sprigg Wootton,  
M.<sup>r</sup> Charles Beatty.

A sufficient Number of Delegates to compose a House being convened at the Coffee House; M.<sup>r</sup> William Paca, a Delegate returned for the City of Annapolis, And M.<sup>r</sup> Benjamin Mackall, a Delegate returned for Calvert County, attended on his Excellency to acquaint him therewith.

Benedict Calvert and Walter Dulany Esq.<sup>rs</sup> of the Upper House, attended by Doctor Upton Scott, Clerk of the Upper House, came into the Coffee House; And the aforesaid Delegates took the several Oaths to the Government required by Law, signed the Oath of Abjuration, repeated and signed the Test in the Presence of the two Gentlemen of the Upper House

Daniel of Saint Thomas Jenifer and George Plater Esq.<sup>rs</sup> from the Upper House acquaint the Members of this House that the Governor requires the Attendance of the Lower House immediately in the Upper House.

The Members of the Lower House went to the Upper House

His Excellency required them to return to the Lower House and choose a Speaker

They returned and unanimously made Choice of M.<sup>r</sup> Edward Tilghman a Delegate returned for Queen Ann's County to be their Speaker and placed him in the Chair.

M.<sup>r</sup> Worthington and M.<sup>r</sup> Chamberlaine are sent to acquaint his Excellency that this House hath made Choice of a Speaker

Daniel Dulany and George Steuart Esq.<sup>rs</sup> from the Upper House acquaint the Members of this House that the Governor requires their Attendance in the Upper House to present their Speaker

The Members of the Lower House went to the Upper House and presented to the Governor M.<sup>r</sup> Edward Tilghman as their Speaker

His Excellency approved the Choice and made the following Speech Viz.<sup>t</sup>

Gentlemen of the Upper and Lower Houses of Assembly

Whilst engaged in enacting Regulations conducive to the Welfare of the Province, you will, I hope, find the Season convenient to your private Affairs.

The State of the Criminal Law, which I recommended to the Consideration of the late Assembly, permit me again to press, as an Object that deserves your most deliberate Attention.

The Provision hitherto made for repairing and keeping in Order

the publick Roads, having proved very ineffectual, let me also beg your peculiar Regard to this Subject; Our Situation for Commerce has many natural Advantages, which will be diminished, or improved, in Proportion to our neglect, or Care, in shortening Distances, and facilitating the Carriage of our Native Produce to Market.

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Gentlemen of the Lower House

Nothing could be effected at the last Session, in Consequence of his Excellency, the late Lord Botetourt's Letter, soliciting a Contribution towards defraying the necessary Expence, that would attend the Erection and Maintenance of a Light House on Cape Henry. I have, pursuant to the Address of the late Assembly, directed the Naval Officers to furnish me with an Account of the Tonnage, which I shall order to be laid before you, as also a Letter from the Speaker of the House of Burgesses of Virginia, to your Speaker, containing, as I am informed, the like Account of the Tonnage of that Province, and I must now request the Establishment of some fund, for a Service, in which the Trade of Maryland is so much interested.

Gentlemen of both Houses

Be assured of my most chearful Concurrence in every Measure tending to promote the real Interests of this Country; and that I shall deem myself happy, in Proportion to the Prosperity the People of this Province shall derive from my Administration.

M.<sup>r</sup> Speaker (with the rest of the Members) returned to the Lower House

M.<sup>r</sup> Speaker resumed the Chair

The House proceeded to choose a Clerk, and unanimously made Choice of M.<sup>r</sup> John Duckett

Ordered That M.<sup>r</sup> Beall and M.<sup>r</sup> Tyler do acquaint his Excellency that this House hath made Choice of M.<sup>r</sup> John Duckett to be their Clerk, and desire his Excellency's Approbation. They return and acquaint M.<sup>r</sup> Speaker they delivered the Message and that his Excellency signified his Approbation.

Ordered, That M.<sup>r</sup> Contee and M.<sup>r</sup> Wootton do go with M.<sup>r</sup> Duckett to the Upper House to see him qualified as Clerk of this House. They return and acquaint M.<sup>r</sup> Speaker that they saw him take the several Oaths to the Government sign the Oath of Abjuration repeat and sign the Test and take the following Oath of Office Viz.<sup>t</sup> "You John Duckett do swear that as Clerk of the Lower House of Assembly you shall true Entries make of all such Matters and Things as by the Honourable Speaker for the Time being and that House shall be to you directed; the Secrets of the said House you shall not divulge to the Prejudice of the House, or any Member thereof, but shall in all Things, as Clerk to the said House, well and truly demean yourself according to the best of your Knowledge

So help you God"



L. H. J. M.<sup>r</sup> John Hall, a Delegate returned for the City of Annapolis, and  
 Liber No. 54 M.<sup>r</sup> John Hammond, a Delegate returned for Ann Arundel County,  
 Oct. 2 appear in the House.

Ordered, That M.<sup>r</sup> Worthington and M.<sup>r</sup> Johnson do go with those Gentlemen to the Upper House to see them qualified. They return and acquaint M.<sup>r</sup> Speaker they saw them qualified in the usual Manner. The Gentlemen take their Seats in the House.

Ordered, That his Excellency's Speech (a Copy of which having been delivered to M.<sup>r</sup> Speaker) be read; and the same was read accordingly

The House appointed M.<sup>r</sup> Allen Quynn Serjeant at Arms, and M.<sup>r</sup> Robert Reynolds Door Keeper.

Ordered, That they be qualified.

On Motion, the Question was put, That this House will sit during the present Session, in the Ball Room, and will pay for the Use of the said Room, two Committee Rooms, and the two Rooms adjoining, for the Honourable the Upper House, three Pounds ten Shillings Common Money per Day, at the close of the Session, by Way of Ordinance, or Bill? Resolved in the Negative

M.<sup>r</sup> Paca acquaints M.<sup>r</sup> Speaker that M.<sup>r</sup> Allen Quynn took the several Oaths to the Government, signed the Oath of Abjuration, repeated and signed the Test, and took the following Oath Viz.<sup>t</sup> "You Allen Quynn do swear that you will faithfully, diligently and honestly discharge the Office of Serjeant at Arms to the Lower House of Assembly; and that you shall not disclose or reveal the Secrets thereof

So help you God"

p. 194 And that Robert Reynolds took the several Oaths to the Government, signed the Oath of Abjuration, repeated and signed the Test, and took the following Oath Viz.<sup>t</sup> "You Robert Reynolds do swear that you will faithfully diligently and honestly discharge the Office of Door Keeper to the Lower House of Assembly; and that you shall not disclose or reveal the Secrets thereof. So help You God."

Resolved, That the Hours for Sitting for Dispatch of the publick Business, during this Session, be from 9 O'Clock in the Morning, until One in the Afternoon.

The House adjourns till To-Morrow Morning 9 O'Clock

Oct. 3

Thursday October 3.<sup>d</sup> 1771

The House met.

All Members present as on Yesterday.

The Proceedings of Yesterday were read.

The House being informed that M.<sup>r</sup> Thomas Wright and M.<sup>r</sup> Solomon Wright two Delegates returned for Queen Anne's County,

and M.<sup>r</sup> Isaac Handy, a Delegate returned for Somerset County were attending;

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Ordered, That M.<sup>r</sup> Earle and M.<sup>r</sup> Nicholas Thomas do go with those Gentlemen to the Upper House to see them qualified.

They return and acquaint M.<sup>r</sup> Speaker they saw them qualified in the usual Manner.

The Gentlemen takes their Seats in the House

On Motion of one of the Members for Cæcil County, that M.<sup>r</sup> William Ward was duly elected a Member for that County, and that the Sheriff by Mistake had returned two Indentures for M.<sup>r</sup> William Baxter and omitted to return an Indenture for M.<sup>r</sup> Ward: Ordered, That the Sheriff immediately attend at the Bar of this House and bring with him the Polls and the Counter Parts of the Indentures taken at the said Election.

Ordered, That the Serjeant at Arms do forthwith serve the Sheriff of Cæcil County with a Copy of the said Order

Ordered, That M.<sup>r</sup> Speaker do issue his Warrant to the Secretary of this Province requiring him to make out a new Writ of Election directed to the Sheriff of Kent County to elect a Delegate to serve in this present General Assembly in the Room of M.<sup>r</sup> Stephen Bordley late of that County deceased.

A Petition of Robert Henly Courts of Charles County complaining of an undue Election of M.<sup>r</sup> Francis Ware and M.<sup>r</sup> Josias Hawkins two of the Members for that County was read.

On a second Reading the said Petition; Ordered, that a Copy of the same be delivered to M.<sup>r</sup> Francis Ware or left at his Dwelling House by Monday next at farthest; and that an Hearing on the said Petition be had at the Bar of this House on Monday the 14.<sup>th</sup> Instant.

Ordered, That the Clerk do make out all such Summonses as may be applied for by any of the Parties

Ordered, That a Message be proposed to the Upper House acquainting them with the Hours this House hath appointed for their Sitting for the Dispatch of the Publick Business during this Session

Ordered, That the following Rules be observed during this Session Viz.<sup>t</sup>

- I That no Member of the House use any reviling Speeches or name any Member by his proper Name, but shall use some other Distinction, as, *The Gentleman who spoke last*, or the like.
- II That no Member speak above once on any Debate, without License of the House, declared by the Speaker; and, if two Persons, or more, shall rise up together, the Speaker shall appoint who shall speak first; and no Member shall interrupt any other, until the Gentleman speaking hath ended.

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- III That none shall deliver his Opinion, or speak to any Bill or Debate, unless he shall stand up, and reverently direct his Speech to the Speaker.
- IV That every Bill proposed by the House, shall be read two several Days, before it is sent to the Upper House, and once after before it be ingrossed; and that between every Reading, one Day shall be intermitted; and that in that Time, the Bill shall be laid on the Table, for the Perusal of all the Members; unless on very urgent Occasions, M.<sup>r</sup> Speaker, with the Consent of the House, shall dispense therewith; and then one Bill, being read twice, at one Sitting, shall be as sufficient, as if read several Days, when so entered in the Clerk's Journal
- V That no Person come into the House of Assembly, while the same is sitting, with Sword or other Weapon, upon Penalty of such Fine, as shall be imposed on them by the Speaker, at the Discretion of the House
- VI That if any Member, bound to attend this Assembly, shall be absent at the Hours and Place appointed, after the Speaker and twelve of the Members are met, according to the Order for Sitting, shall be fined, according to the Discretion of the Speaker, not exceeding five Shillings for and Offence, unless upon such Excuse as the Speaker shall admit of
- VII All Misdemeanours which shall happen in the House shall be censured or fined in the House.
- VIII That no Bill shall be read at any Time, during this Session, till all the Members in Town shall be called in, except on some Excuse to be admitted by the Speaker.
- IX That if any Member of this House do depart, without Leave from the Honourable Speaker, and the House, such Member shall forfeit all his preceding Allowances, due to him for his Attendance that Session.

The following Resolves, Viz.<sup>t</sup>

Resolved by the House, That the Members who shall be appointed as Members of the Committee of Aggrievances, have likewise the Character of a Committee for Courts of Justice; and that that Character and the Duty of such Committee, be annexed to the said Committee of Aggrievances, as a standing Part of their Duty: And that it be an Instruction to the said Committee of Courts of Justice, that they observe the Nature of all the Commissions to the several Courts of Judicature within this Province; and that they especially observe any Alterations that may at any Time happen by accidental Omission, or otherwise, therein; and particularly relating to such Words therein, as require the several Judges and Justices to hear, try and determine,



according to the Laws, Statutes, Ordinances, and reasonable Customs of England, and of this Province, or to such other Words, as have Relation thereto; and that they shall immediately make Report to the House, of any Alteration that shall at any Time happen in such Commission; and likewise to have Regard, as near as may be, to observe wherein they differ from the fforms of the several Sorts of Commissions to the Judges and Justices in England; and also to enquire, and report, whether it appears that the several Magistrates in this Province, have been duly qualified, agreeable to Law.

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Resolved, also, That this Province is not under the Circumstances of a conquered Country; that if it were, the present Christian Inhabitants thereof, would be in the Circumstances not of the Conquered, but of the Conqueror, it being a Colony of the English Nation, encouraged by the Crown to transplant themselves hither, for the Sake of improving and enlarging its Dominions; which by the Blessing of God upon their Endeavours, at their own Expende and Labour, has been in a great Measure obtained: And 'tis unanimously resolved, That whosoever shall advance, that his Majesty's Subjects, by such their Endeavours and Success, have forfeited any Part of their English Liberties, are not Well wishers to the Country, and mistake its happy Constitution.

Resolved, also, That if there be any Pretence of Conquest, it can be only supposed against the Native Indian Infidels; which Supposition cannot be admitted, because the Christian Inhabitants purchased great Part of the Land they at first took up, from the Indians, as well as from the Lord Proprietary, and have ever since continued in an amicable Course of Trade with them; except some partial Outrages and Skirmishes, which never amounted to a general War, much less to a general Conquest, the Indians yet enjoying their Rights and Privileges of Treaties and Trade with the English.

Resolved further, That this Province hath always hitherto had the Common Law, and such general Statutes of England, as are securitative of the Rights and Liberties of the Subject, and such Acts of Assembly as were made in the Province to suit its particular Constitution, as the Rule and Standard of its Government and Judicature, such Statutes and Acts of Assembly being subject to the like Rules of Common Law, or equitable Construction, as are used by the Judges in construing Statutes in England; which happy Rules have, by his Majesty, and his Royal Ancestors, and also by his Lordship and his noble Ancestors, or some of them, been hitherto approved, by having the Commissions of Judicature to include Directions of that Nature, to the several judicial Magistrates; unless those Words have at any Time been casually or carelessly omitted by the Officers in this Province, that drew such Commissions

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Resolved, That the levying and taking the Sum of twelve Pence Sterling per Hogshead, by the Right Honourable the Lord Pro-

L. H. J. proprietary of this Province, on all Tobacco exported out of the same,  
 Liber No. 54 under Pretence and Colour of the Act of 1704, is not warranted  
 Oct. 3 by Law.

Resolved, Nemine contradicente, That if the above Act of 1704, had been in fforce from the Restoration of the Government by the Crown, to the Right Honourable the Lord Proprietary to this Time; yet the Sum of three Pence Sterling, Part of the said twelve Pence Sterling, agreeable to the plain Construction of the above-mentioned Act of 1704, and her late Majesty Queen Anne's Instructions to her Governor here, when the said Act was in fforce, ought to be applied towards the purchasing of Arms and Ammunition, for the Defence of this Province

Were read and unanimously approved of

The following Message Viz.<sup>t</sup>

By the Lower House of Assembly October 3.<sup>d</sup> 1771

May it please your Honours,

This House hath appointed from Nine O'Clock in the Morning until One in the Afternoon for its Sitting every Day, during this Session, for the Dispatch of the publick Business.

Signed by Order Jn.<sup>o</sup> Duckett Cl. Lo. Ho.

Was sent to the Upper House by M.<sup>r</sup> Moale and M.<sup>r</sup> Harrison

The Report of the 20.<sup>th</sup> November last which was referred to this Day was read and referred for Consideration on Thursday next

Ordered, That M.<sup>r</sup> Tilghman, M.<sup>r</sup> Chase, M.<sup>r</sup> Hall, M.<sup>r</sup> So. Wright, and M.<sup>r</sup> Hammond, be a Committee of Elections and Privileges

M.<sup>r</sup> Beall, M.<sup>r</sup> Tyler, M.<sup>r</sup> Harrison, M.<sup>r</sup> Mackall, M.<sup>r</sup> Worthington, M.<sup>r</sup> Chamberlaine and M.<sup>r</sup> Johnson a Committee of Grievances and Courts of Justice: And they have Power to send for Persons Papers and Records.

Ordered, That the said Committee do forthwith publish in the Maryland Gazette their Hour and Place of Sitting during this Session

Ordered, That M.<sup>r</sup> Thomas Wright, M.<sup>r</sup> W. Richardson, M.<sup>r</sup> Earle M.<sup>r</sup> Deye and M.<sup>r</sup> Chamberlaine be a Committee of Accounts

Ordered, That M.<sup>r</sup> Contee, M.<sup>r</sup> Parran, M.<sup>r</sup> Jordan, M.<sup>r</sup> Rumsey, M.<sup>r</sup> Ennalls, M.<sup>r</sup> Worthington and M.<sup>r</sup> Beall be a Committee to inspect the Office and Proceedings of the Commissioners for emitting Bills of Credit

Ordered, That a Message be prepared to the Upper House acquainting them therewith

Ordered, That M.<sup>r</sup> Tyler, M.<sup>r</sup> Mackall, M.<sup>r</sup> Harrison, M.<sup>r</sup> W. Thomas, M.<sup>r</sup> Handy, M.<sup>r</sup> So. Wright, and M.<sup>r</sup> Ennalls be a Com-

mittee to inspect into the several publick Offices and report to the House the State and Condition of them

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Ordered, That his Excellency's Speech be read a second Time and it was read accordingly

Ordered, That an Address be prepared in Answer thereto

Ordered, That M.<sup>r</sup> Tilghman, M.<sup>r</sup> Hall, M.<sup>r</sup> Paca, M.<sup>r</sup> Chase, M.<sup>r</sup> Johnson, M.<sup>r</sup> Hammond, M.<sup>r</sup> Rumsey, and M.<sup>r</sup> Lloyd do prepare and bring in the same

Ordered, That M.<sup>r</sup> Paca do acquaint the Reverend M.<sup>r</sup> Boucher that he is desired by this House to read divine Service every Morning during this Session at three Quarters after Eight of the Clock

The following Message Viz.<sup>t</sup>

By the Lower House of Assembly October 3.<sup>d</sup> 1771

May it please your Honours,

This House hath appointed Mess.<sup>rs</sup> Contee, Parran, Jordan, Rumsey, Ennalls, Worthington and Beall, to join one or more of the Members of your House as a Committee to inspect the Office and Proceedings of the Commissioners for emitting Bills of Credit.

Signed by Order Jn.<sup>o</sup> Duckett Cl. Lo. Ho.

Was sent to the Upper House by M.<sup>r</sup> Ennalls and M.<sup>r</sup> Contee.

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The House appoint M.<sup>r</sup> Thomas Brooke Hodgkin and M.<sup>r</sup> William Wright Clerks to the several Committees

Ordered, That they be qualified

M.<sup>r</sup> Speaker reports to the House the following Certificate  
Ann Arundel County S.<sup>ct</sup>

I hereby certify that on the 3<sup>d</sup> Day of October 1771 came Thomas Brooke Hodgkin before me the Subscriber one of the Justices of the Peace of the said County and took the several Oaths to the Government required by Law, subscribed the Oath of Abjuration, repeated and signed the Test and took the following Oath Viz.<sup>t</sup> "I Thomas Brooke Hodgkin do swear that I will true Entries make of all such Matters and Things as shall be to me directed by any Committee of the Lower House of Assembly for whom I shall act as Clerk and that I will not divulge the Secrets of the said House or of any Committee thereof but will in all Things well and truly demean myself according to the best of my Skill and Knowledge"

R Ghiselin

The House adjourns till To-Morrow Morning 9 O'Clock



L. H. J.  
Liber No. 54  
Oct. 4

Friday October 4.<sup>th</sup> 1771

The House met.

All Members present as on Yesterday.

The Proceedings of Yesterday were read

M.<sup>r</sup> Speaker communicates to the House a Letter from the Speaker of the House of Burgesses of Virginia accompanied with an Account of the Tonnage for Rappahanock; an Account of the Tonnage for South Potowmack; an Account of Tonnage for York River; An Account of Tonnage for the Upper District of James River; and an Account of the Tonnage for the lower District of James River.

Ordered, That the said Letter be read; and it was read accordingly

Ordered, That the said Accounts do lie on the Table for the Perusal of the Members

M.<sup>r</sup> Speaker reports to the House the following Certificate  
Ann Arundel County S.<sup>ct</sup>

I hereby certify that on the 4.<sup>th</sup> Day of October 1771 came William Wright before me the Subscriber one of the Justices of the Peace for the said County & took the several Oaths to the Government required by Law subscribed the Oath of Abjuration repeated and signed the Text and took the following Oath Viz.<sup>t</sup>  
“I William Wright do swear that I will true Entries make of all such Matters and Things as shall be to me directed by any Committee of the Lower House of Assembly for whom I shall act as Clerk and that I will not divulge the Secrets of the said House or of any Committee thereof but will in all Things well and truly demean myself according to the best of my Skill and Knowledge”

R. Ghiselin

M.<sup>r</sup> Saint George Peale is appointed a Committee Clerk.

Ordered, That he be qualified.

The House being informed that M.<sup>r</sup> William Smallwood a Delegate returned for Charles County was attending at the Door,

Ordered, That M.<sup>r</sup> Harrison and M.<sup>r</sup> Hawkins do go with that Gentleman to the Upper House to see him qualified.

They return and acquaint M.<sup>r</sup> Speaker they saw him qualified in the usual Manner. The Gentleman takes his Seat in the House.

Information being given by a Gentleman from the Committee Accounts to the House that no Journal of Accounts nor any Duplicate thereof lay before the said Committee but that the Journal remained in the Upper House ever since the End of the first Session in November last A Motion was thereupon made that a Message be sent to the Upper House desiring them to send back the Journal

Ordered, That Mr. Hall and M.<sup>r</sup> Hammond do prepare and bring in the same

L. H. J.  
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Oct. 4

The following Message

By the Lower House of Assembly October 4.<sup>th</sup> 1771

May it please your Honours,

We are desirous of putting the Claims against the Public into such a Channel as that they may be paid off; and therefore request your Honours would send back the Journal of Accounts remaining with you ever since the End of the first Session in November last that we may make such Additions thereto as we may think just and reasonable

Signed by Order Jn.<sup>o</sup> Duckett Cl. Lo. Ho.

being prepared; was sent to the Upper House by M.<sup>r</sup> N. Thomas and M.<sup>r</sup> Chamberlaine

Ordered That M.<sup>r</sup> Chase, M.<sup>r</sup> Handy and M.<sup>r</sup> N. Thomas be a Committee to enquire what Laws will expire with the Close of this Session and make Report thereof to the House. p. 198

M.<sup>r</sup> Speaker reports to the House the following Certificate Viz.<sup>t</sup>  
Ann Arundel County S.<sup>ct</sup>

I hereby certify that on the 4.<sup>th</sup> Day of October 1771 came Saint George Peale before me the Subscriber one of the Justices of the Peace of the said County & took the several Oaths to the Government required by Law and took the following Oath Viz.<sup>t</sup>  
“I Saint George Peale do swear that I will true Entries make of all such Matters and Things as shall be to me directed by any Committee of the Lower House of Assembly for whom I shall act as Clerk, and that I will not divulge the Secrets of the said House or of any Committee thereof; but will in all Things well and truly demean myself according to the best of my Skill & Knowledge”

R Ghiselin

Daniel Dulany Esq from the Upper House delivers to M.<sup>r</sup> Speaker the following Message

By the Upper House of Assembly October 3.<sup>d</sup> 1771

Gentlemen,

This House hath appointed Benedict Calvert and Walter Dulany Esquires to join the Members named by your House in a Committee to inspect the Office and Proceedings of the Commissioners for emitting Bills of Credit

Signed by Order UScott Cl. Up. Ho.

Walter Dulany Esq from the Upper House delivers to M.<sup>r</sup> Speaker three Journals of Accounts marked 1768, 1769, 1770.

L. H. J. M.<sup>r</sup> Tilghman brings in and delivers to M.<sup>r</sup> Speaker an Address to  
 Liber No. 54 his Excellency. Which was read, approved of and ordered to be  
 Oct. 4 ingrossed.

M.<sup>r</sup> Tilghman brings in and delivers to M.<sup>r</sup> Speaker the following  
 ingrossed Address

To his Excellency Robert Eden Esquire Governor and Commander  
 in Chief in and over the Province of Maryland

The humble Address of the House of Delegates

May it please your Excellency

We his Majesty's most dutiful and loyal Subjects the Delegates  
 of the Freemen of Maryland in General Assembly convened return  
 your Excellency Thanks for your kind Speech at the Opening of  
 this Session and for the Hopes you are pleased to express that we  
 shall find the Season convenient to our private Affairs.

We shall at all Times pay a respectful Regard to your Excel-  
 lency's Recommendations and as soon as we can shall take under  
 our Consideration the several Matters you now propose and en-  
 deavour to effect what may appear to us most conducive to the Wel-  
 fare of this Province. Be pleased to accept our grateful Ac-  
 knowledgments for the Assurance you have now given us of a  
 most chearful Concurrence in every Measure tending to promote  
 the real Interest of this Country and that you shall deem yourself  
 happy in Proportion to the Prosperity the People of this Province  
 shall derive from your Administration.

Which was read and assented to and signed by Order of the  
 House by the Honourable Speaker

Ordered That M.<sup>r</sup> Smallwood and M.<sup>r</sup> Contee do acquaint his  
 Excellency that this House hath prepared an Address to be presented  
 to him and desires to know when and where he will be pleased to  
 receive it.

They return and acquaint M.<sup>r</sup> Speaker the Governor signified he  
 would receive the Address immediately in the Council Room

Ordered, That M.<sup>r</sup> Tilghman and six more do present the Address  
 to his Excellency.

On a Question That this House will sit during the present Session  
 in the Ball Room and will allow on the Journal of Accounts and  
 pay for the Use of the said Room, two adjoining Apartments, and  
 the Revenue Office for the Upper House, and the Governor, the  
 Sum of four Pounds Common Money p Day:

The Question was put, whether that Question be put?

Resolved in the Affirmative



The Question being put it was resolved in the Affirmative

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For the Affirmative

Mess. <sup>rs</sup>	Reeder,	Ennalls,	Hall,	[24]
	Jordan,	Jo. Richardson,	Paca,	
	Johnson,	Owings,	N. Thomas,	
	Chase,	Moale,	Lloyd,	
	Mackall,	Veazy,	Holland,	
	Parran,	Baxter,	Lockett,	
	Weems,	Tyler,	Hagar,	
	Hawkins,	Contee,	Beatty.	

For the Negative

Mess. <sup>rs</sup>	W. Thomas,	Handy,	Tilghman,	[15]
	Worthington,	Risteau,	Earle,	
	Hammond,	Deye,	T. Wright,	
	Harrison,	Beall,	So. Wright,	
	Smallwood,	Chamberlaine,	Wootton.	

On Motion, the Question was put That the Order of this Day for the Appointment of a Committee to enquire what Rooms may be had convenient for this House and the several Committees thereof to transact the publick Business and the Report made by the said Committee be expunged? p. 199

Resolved in the Affirmative

For the Affirmative

Mess. <sup>rs</sup>	Reeder,	Ennalls,	Hall,	[23]
	Jordan,	Jo. Richardson,	Paca,	
	Johnson,	Owings,	N. Thomas,	
	Chase,	Moale,	Lloyd,	
	Mackall,	Veazy,	Holland,	
	Parran,	Baxter,	Hagar,	
	Weems,	Tyler,	Beatty.	
	Hawkins,	Contee,		

For the Negative

Mess. <sup>rs</sup>	W. Thomas,	Handy,	Tilghman,	[14]
	Worthington,	Risteau,	Earle,	
	Hammond,	Deye,	So. Wright,	
	Harrison,	Beall,	Wootton.	
	Smallwood,	Chamberlaine,		

The House adjourns till To Morrow Morning 9 O'Clock and then to meet at the Ball Room

L. H. J.  
Liber No. 54  
Oct. 5

Saturday October 5.<sup>th</sup> 1771

The House met at the Ball Room according to Adjournment.

All Members present as on Yesterday.

The Proceedings of Yesterday were read.

M.<sup>r</sup> Rumsey being indisposed hath Leave to go Home for the Recovery of his Health

His Excellency communicates to M.<sup>r</sup> Speaker the following Message.

Gentlemen of the Lower House of Assembly,

I am much pleased with the Assurances in your Address of the respectful Regard you shall at all Times pay to my Recommendations, which shall never point any Thing to your Consideration that does not strike me as an Object really conducive to the Welfare of the Province and the Happiness of the People

Rob.<sup>t</sup> Eden

Which was read and ordered to lie on the Table

M.<sup>r</sup> Hall from the Committee of Elections and Privileges brings in and delivers to M.<sup>r</sup> Speaker the following Report.

By the Committee of Elections and Privileges October 5.<sup>th</sup> 1771

Your Committee having inspected the Writs directed to the several Sheriffs for electing Deputies and Delegates to serve in this General Assembly and the Returns of the said Writs; do find That Mess.<sup>rs</sup> John Reeder, jun.<sup>r</sup> Thomas Key, William Thomas, and Jeremiah Jordan, Delegates of Saint Mary's County, are duly returned.

That Mess.<sup>rs</sup> Josias Hawkins, Francis Ware, William Smallwood and Joseph Hanson Harrison, Delegates of Charles County are duly returned

<sup>1</sup> That Mess.<sup>rs</sup> John Weems, Charles Grahame, Young Parran and Benjamin Mackall, the fourth, Delegates of Calvert County are duly returned

That Mess.<sup>rs</sup> Brice Thomas Beale Worthington, Thomas Johnson, junior, Samuel Chase and John Hammond Delegates of Ann Arundel County are duly returned

That Mess.<sup>rs</sup> John Hall and William Paca Delegates of the City of Annapolis are duly returned.

That Mess.<sup>rs</sup> Edward Tilghman, Richard Tilghman Earle, Thomas Wright and Solomon Wright Delegates of Queen Anne's County are duly returned

That Mess.<sup>rs</sup> Edward Lloyd, James Lloyd Chamberlaine, Matthew Tilghman, and Nicholas Thomas, Delegates of Talbot County are duly returned

That Mess.<sup>rs</sup> Henry Steele, William Ennalls, Joseph Richardson,

and William Richardson, Delegates of Dorchester County are duly returned

L. H. J.  
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Oct. 5

That Mess.<sup>rs</sup> Levin Gale, Littleton Dennis, Isaac Handy and John Adams Delegates of Somerset County are duly returned

That Mess.<sup>rs</sup> Thomas Ringgold, Richard Gresham, Stephen Bordley, and Robert Buchanan Delegates of Kent County are duly returned

That Mess.<sup>rs</sup> Nehemiah Holland, John Purnell Robins, William Allen and Peter Chaille Delegates of Worcester County are duly returned

That only one Indenture is returned for the Delegates of Baltimore County in which is inserted the Names of Mess.<sup>rs</sup> Samuel Owings, jun.<sup>r</sup>, John Moale, George Ristean and Thomas Cockey Deye.

That Mess.<sup>rs</sup> Joseph Sim; Robert Tyler, Josiah Beall and Thomas Contee Delegates of Prince George's County are duly returned

That Mess.<sup>rs</sup> John Veazy and Benjamin Rumsey Delegates of p. 200  
Cæcil County are duly returned; and that two Indentures are returned and signed by the Electors and Sheriff of the said County for M.<sup>r</sup> William Baxter.

That Mess.<sup>rs</sup> Jonathan Hagar, William Luckett, Charles Beatty and Thomas Sprigg Wootton Delegates of Frederick County are duly returned

Your Committee beg Leave to report to the Honourable House that they are informed and believe that M.<sup>r</sup> Jonathan Hagar a Member returned for Frederick County is not a natural born Subject nor descended from a natural born Subject: That he came into America and was naturalized some Time before the said Election

All which is submitted to the Consideration of the Honourable House.

Signed by Order Tho.<sup>s</sup> B. Hodgkin Cl

Ordered, That the said Report be read; and it was read accordingly

Ordered, That the said Report be read a second Time; and it was read accordingly

It appearing to this House by the said Report that only one Indenture is returned for the Delegates of Baltimore County in which is inserted the Names of Mess.<sup>rs</sup> Samuel Owings, jun.<sup>r</sup>, John Moale, George Ristean and Thomas Cockey Deye; Ordered, That John Robert Hollyday Sheriff of that County immediately attend at the Bar of this House and bring with him the Polls and the Counter Parts of the Indenture taken at the said Election

Ordered, That the Serjeant at Arms do forthwith serve the Sheriff of Baltimore County with a Copy of the above Order



L. H. J. Resolved, That this House will, on Tuesday next, at the Sitting of  
 Liber No. 54 the House, take into Consideration that Part of the said Report  
 Oct. 5 relative to M.<sup>r</sup> Jonathan Hagar

M.<sup>r</sup> Tilghman hath Leave of Absence

The House adjourns till Monday Morning Nine O'Clock

Oct. 7

Monday October 7.<sup>th</sup> 1771

The House met.

All Members present as on Saturday except M.<sup>r</sup> Tilghman, M.<sup>r</sup> Rumsey and M.<sup>r</sup> Weems

The Proceedings of Saturday were read

The House being informed that M.<sup>r</sup> William Allen, M.<sup>r</sup> Peter Chaille, and M.<sup>r</sup> John Purnell Robins, three Delegates returned for Worcester County; Mr. Littleton Dennis a Delegate returned for Somerset County; and M.<sup>r</sup> Henry Steele a Delegate returned for Dorchester County were attending at the Door; Ordered, That M.<sup>r</sup> Ennalls and M.<sup>r</sup> Handy do go with those Gentlemen to the Upper House to see them qualified

They return and acquaint M.<sup>r</sup> Speaker they saw them qualified in the usual Manner. The Gentlemen take their Seats in the House.

The House being informed that M.<sup>r</sup> Henry Allen Deputy Sheriff of Cæcil County attended at the Door he was called in and at the Bar presented to the House, agreeable to the Order of Thursday last the Polls taken at the last Election of Delegates for that County, by which it appeared that M.<sup>r</sup> William Ward was elected a Delegate for that County. He also produced two Indentures for M.<sup>r</sup> William Ward [Baxter?] but none for M.<sup>r</sup> William Baxter [Ward?]

Ordered, That the said Deputy Sheriff amend the Return of Delegates for Cæcil County by taking off one of the two Indentures for M.<sup>r</sup> William Baxter annexed to the Writ of Election and annexing instead thereof one of the two Indentures for M.<sup>r</sup> William Ward. Which being done the Sheriff was ordered to withdraw

Ordered, That the Sheriff of Cæcil County do pay to the several Officers of this House the fees arising due upon the said Order of Thursday last

Ordered, That M.<sup>r</sup> Beall and M.<sup>r</sup> Johnson be a Committee to tax the Fees arising due upon the said Order of Thursday last

p. 201 M.<sup>r</sup> Beall from the said Committee brings in and delivers to M.<sup>r</sup> Speaker the following Report

By the Committee appointed to tax the Fees arising due upon the Order of this House of Thursday last respecting the Sheriff of Cæcil County

October 7.<sup>th</sup> 1771

In Obedience to the Order of the Honourable House your Com-

mittee have proceeded to tax the Fees arising due upon the said Order of Thursday last as follows

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To the Clerk for Copy of the same Order to be served on the Sheriff.....	} £0.. 3..0
To the Serjeant for a Messenger to Cecil and serving the same.....	
	} 4..19..3
	<hr/>
	£5.. 2..3

All which is humbly submitted to the Consideration of the Honourable House.

Signed by Order W.<sup>m</sup> Wright Cl.

Which was read and the House concurs therewith

M.<sup>r</sup> Allen was again called to the Bar of the House, and informed by M.<sup>r</sup> Speaker, by Order of the House, that he was discharged from any further Attendance

Resolved, That this House will, on Wednesday next, take into Consideration his Excellency's Speech at the Opening of this Session.

M.<sup>r</sup> Allen Quynn informs the House, by Letter, directed to M.<sup>r</sup> Speaker, that he is unable, through Sickness, to attend his Duty as Serjeant at Arms. The House thereupon appoint M.<sup>r</sup> William Goldsmith Serjeant at Arms during the Illness of M.<sup>r</sup> Quynn

Ordered, That he be qualified

The House being informed that M.<sup>r</sup> William Ward a Delegate returned for Cæcil County was attending at the Door: Ordered, That M.<sup>r</sup> Veazy and M.<sup>r</sup> Holland do go with that Gentleman to the Upper House to see him qualified. They return and acquaint M.<sup>r</sup> Speaker they saw him qualified in the usual Manner

The Gentleman takes his Seat in the House

The House adjourns till To-Morrow Morning 9 O'Clock

Tuesday October 8.<sup>th</sup> 1771

Oct. 8

The House met.

All Members present as on Yesterday.

The Proceedings of Yesterday were read

M.<sup>r</sup> Weems appeared in the House

The House being informed that M.<sup>r</sup> Joseph Sim a Delegate returned for Prince George's County was attending at the Door.

Ordered, That M.<sup>r</sup> Beall and M.<sup>r</sup> Tyler do go with that Gentleman to the Upper House to see him qualified.

They return and acquaint M.<sup>r</sup> Speaker they saw him qualified in the usual Manner.

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The Gentleman takes his Seat in the House

The House being informed that M.<sup>r</sup> Charles Grahame a Delegate returned for Calvert County, and M.<sup>r</sup> Richard Gresham a Delegate returned for Kent County were attending at the Door.

Ordered, That M.<sup>r</sup> Parran and M.<sup>r</sup> Weems do go with those Gentlemen to the Upper House to see them qualified. They return and acquaint M.<sup>r</sup> Speaker they saw them qualified in the usual Manner. The Gentlemen take their Seats in the House.

Ordered, That the Order of the Day for taking into Consideration the Report from the Committee of Elections and Privileges relative to M.<sup>r</sup> Jonathan Hagar be read; and the same being read accordingly, the House proceeded to take the same into Consideration, and permitted M.<sup>r</sup> Hagar, on his Prayer, to be heard by his Council. The Council appeared, and being heard, he withdrew. Then the House was moved that the Stat. of 12, & 13, of W. 3, Cap. 2, Entitled An Act for the further Limitation of the Crown and better securing the Rights and Liberties of the Subject be read; and it was read accordingly.

The House was moved that the Stat. of 1, Geo. 1, Cap. 4, Entitled An Act to explain the Act made in the twelfth Year of the Reign of King William 3, entitled An Act for the further Limitation of the Crown and better securing the Rights and Liberties of the Subject be read; and it was read accordingly.

The House was moved that an Act of Assembly of this Province entitled An Act directing the Manner of electing and summoning Delegates and Representatives to serve in succeeding Assemblies and for ascertaining the Expenses of the Councillors, Delegates of Assembly, and the Commissioners of the Provincial and County Courts of this Province made at a Session Assembly begun and held at the City of Annapolis the 17.<sup>th</sup> Day of July 1716, be read; and it was read accordingly.

p. 202 The House was moved that the Stat. of 13. Geo. 2, Cap. 7, entitled An Act for naturalizing such foreign Protestants and others therein mentioned as are settled or shall settle in any of his Majesty's Colonies in America be read; and it was read accordingly.

The House was moved that the Resolves of the Lower House of Assembly of the 18.<sup>th</sup> of October 1753 be read; and they were read accordingly.

The House was moved that an Act made in the 22.<sup>d</sup> Year of Geo. 2, Cap. 45, entitled An Act for the further Encouragement of the Whale Fishery and for continuing such Laws as are therein mentioned relating thereto: and for the Naturalization of such foreign Protestants as shall serve for the Time therein mentioned on Board such Ships as shall be fitted out for the said Fishery, be read; and it was read accordingly.



Then the House took the several Statutes, the Act of Assembly, and the Resolves abovementioned into consideration, and after some Debate thereon, M.<sup>r</sup> Hagar withdrew, and M.<sup>r</sup> Speaker, by the Direction of the House, put the following Question: "That Jonathan Hagar, returned as a Representative for Frederick County, not being a natural born Subject, nor descended from a natural born Subject, but naturalized in the Year 1747, since the Stat of 13, Geo. 2. agreeable to said Stat. long before said Election; hath been a Resident of this Province ever since, and hath a Freehold of fifty Acres of Land, be eligible?"

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Resolved in the Negative.

For the Negative

Reeder,	Moale,	Chamberlaine,
W. Thomas,	Veazy,	N. Thomas,
Jordan,	Baxter,	Lloyd,
Worthington,	Ward,	Earle,
Chase,	Beall,	T. Wright,
Parran,	Tyler,	So. Wright,
Grahame,	Contee,	Chaille,
Ennalls,	Sim,	Allen.

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For the Affirmative:

Gresham,	Handy,	Hall,
Johnson,	Dennis,	Paca,
Hammond,	W. Richardson,	Holland,
Mackall,	Jo. Richardson,	Robins,
Weems,	Steele,	Lockett,
Harrison,	Owings,	Wootton,
Hawkins,	Risteau,	Beatty.
Smallwood,	Deye,	

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In Consequence of the foregoing Resolution, M.<sup>r</sup> Hagar was called in, and M.<sup>r</sup> Speaker, by the Directions of the House, acquaints him, that he is discharged from any further Attendance on this House as a Member thereof

M.<sup>r</sup> Lloyd, and M.<sup>r</sup> Mackall have Leave of Absence

The House adjourns till To-Morrow Morning 9 O'Clock

Wednesday October 9.<sup>th</sup> 1771

Oct. 9

The House met.

Members present as on Yesterday except M.<sup>r</sup> Lloyd and M.<sup>r</sup> Mackall.

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The Proceedings of Yesterday were read.

M.<sup>r</sup> Tilghman appeared in the House.

M.<sup>r</sup> N. Thomas hath Leave of Absence.

Ordered, That M.<sup>r</sup> Speaker do issue his Warrant to the Secretary of this Province requiring him to issue a new Writ of Election to the Sheriff of Frederick County to elect a Delegate to serve in this present Session of Assembly in the Stead of M.<sup>r</sup> Jonathan Hagar whose Seat is declared vacant.

Ordered, That the Order of the Day for taking into Consideration his Excellency's Speech, at the Opening of this Session, be read; and it was read accordingly.

Ordered, That his Excellency's Speech be read; and it was read accordingly.

Upon Consideration of that Part of his Excellency's Speech relative to the Criminal Law: Resolved, That it is the Opinion of this House that there is no Necessity for going into a Revisal of the whole Criminal Law either Common or Statute Law.

Resolved further, That an Address be prepared, requesting his Excellency to point out any particular Defects that may have occurred to him or any Inconveniencies he may have experienced from the Want of Precision on that Subject, that the House may remedy such Defects or explain the Law where found uncertain.

p. 203      Ordered, That M.<sup>r</sup> Hall, M.<sup>r</sup> Tilghman, M.<sup>r</sup> Hammond, M.<sup>r</sup> Chase and M.<sup>r</sup> Paca do prepare and bring in the same.

Upon Consideration of that Part of the Governor's Speech relative to the Public Roads; the Question was put that a Committee be appointed to enquire into the Provision made by the Laws of this Province for the making repairing and keeping in Order the Public Roads and report their Opinion to the House thereupon, and also what further Provision they may think necessary? Resolved in the Affirmative

Ordered, That M.<sup>r</sup> Tilghman, M.<sup>r</sup> Chase, M.<sup>r</sup> Paca, M.<sup>r</sup> Moale, M.<sup>r</sup> Grahame, M.<sup>r</sup> Dennis, M.<sup>r</sup> Handy and M.<sup>r</sup> Baxter be a Committee for that Purpose

Ordered, That the Resolves of the Lower House of Assembly of the 19.<sup>th</sup> of October last, relative to the erecting a Light House on Cape Henry, be read; and they were read accordingly. Upon Consideration whereof and of that Part of the Governor's Speech relative to the erecting a Light House on Cape Henry; Ordered, That the same be referred for further Consideration until all the Papers mentioned in the said Resolves of the 19.<sup>th</sup> of October last be laid before this House

The House being informed that M.<sup>r</sup> John Robert Hollyday Sheriff of Baltimore County attended at the Door he was called in and at

the Bar presented to the House agreeable to the Order of Saturday last the Polls taken at the last Election of Delegates for that County by which it appeared that Mess.<sup>rs</sup> Samuel Owings, jun.<sup>r</sup>, John Moale, George Risteau and Thomas Cockey Deye were duly elected Delegates for that County. He also produced Indentures taken at the said Election for the said Gentlemen signed by the Sheriff and Electors of that County.

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Ordered, That the said Sheriff amend the Return of the Delegates for Baltimore County by taking off the Indenture containing the Names of those Gentlemen annexed to the Writ of Election and annexing instead thereof the several Indentures taken for those Gentlemen. Which he did at the Table and then was ordered to withdraw

Ordered, That the Sheriff of Baltimore County be admonished by the Speaker for his Neglect of Duty in not making a proper Return; and that he be discharged upon Payment of the fees arising due to the several Officers of this House upon the said Order of Saturday last

Ordered, That M.<sup>r</sup> Beall, M.<sup>r</sup> Tilghman and M.<sup>r</sup> Chase be a Committee to tax the Fees arising due upon the Order of Saturday last

M.<sup>r</sup> Beall from the Said Committee brings in and delivers to M.<sup>r</sup> Speaker the following Report

By the Committee appointed to tax the Fees arising due upon the Order of Saturday last in Relation to the Sheriff of Baltimore County

October 9.<sup>th</sup> 1771

Your Committee in Obedience to the Order of the Honourable House have proceeded to tax the several Fees arising due on the above Order as follows

To the Clerk for Copy of the same Order . . . . .	£0.. 3.. 0
To the Serjeant for Expence of a Messenger to Baltimore County and serving the said Order on the Sheriff . . . . .	} 3..18..11
	£4.. 1..11

Which is submitted to the Consideration of the Honble House.

Signed by Order. Tho.<sup>s</sup> B. Hodgkin Cl.

The Sheriff of Baltimore County was again called in and admonished by M.<sup>r</sup> Speaker agreeable to the above Order and then discharged.

M.<sup>r</sup> Speaker laid before the House two Letters from M.<sup>r</sup> Robert Buchanan a Delegate for Kent County desiring the House to excuse him from Attendance on Account of the Indisposition of his Family.



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The House accepts the Excuse

Ordered, That M.<sup>r</sup> Chase, M.<sup>r</sup> Paca and M.<sup>r</sup> Dennis be added to the Committee of Grievances and Courts of Justice

On Motion, Ordered, That Leave be given to bring in a Bill for vesting in such foreign Protestants as are now naturalized or shall be hereafter naturalized in this Province all the Rights and Privileges of natural born Subjects: And that M.<sup>r</sup> Wootton, M.<sup>r</sup> Lockett, M.<sup>r</sup> Hammond, M.<sup>r</sup> Hall, M.<sup>r</sup> Chase and M.<sup>r</sup> Beatty do prepare and bring in the same

Ordered, That M.<sup>r</sup> Grahame be added to the Committee appointed to inspect the Office and Proceedings of the Commissioners for emitting Bills of Credit

Ordered, That M.<sup>r</sup> Steele be added to the Committee appointed to inspect the publick Offices &<sup>ta</sup>

The House adjourns till To-Morrow Morning 9 O'Clock

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Oct. 10

Thursday 10.<sup>th</sup> October 1771

The House met.

All Members present as on Yesterday except M.<sup>r</sup> N. Thomas, M.<sup>r</sup> Worthington, & M.<sup>r</sup> Johnson.

Ordered, That the Order of the Day for taking into Consideration the Report from the Committee of Grievances of the 20.<sup>th</sup> November last be read; and it was read accordingly.

Ordered, That the said Report be read; and it was read accordingly.

Ordered, That the Account of John Frederick Augustus Priggs, against John Lowe, jun.<sup>r</sup> annexed to the said Report, be read; and it was read accordingly.

Ordered, That John Frederick Augustus Priggs, Deputy Surveyor of Prince George's County; Theophilus Hanson, late Deputy Surveyor of Charles County, and Arnold Elzey, Deputy Surveyor of Somerset County, attend at the Bar of this House on Monday the twenty first Instant to answer for charging and receiving, from the People of this Province, Fees illegal and oppressive and not warranted by the late Regulation, or any Law of this Province; and bring with them any Instructions or Orders they may have from Time to Time received from the Surveyor General relative to the Execution of their respective Offices of Deputy Surveyors.

Ordered, That the Clerk of this House do immediately make out and deliver to the Serjeant at Arms attending this House a Copy of the above Order

Ordered, That the Serjeant at Arms attending this House do

forthwith serve the abovenamed John Frederick Augustus Priggs, Theophilus Hanson, and Arnold Elzey with a Copy of the said Order

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Ordered, That the Order of the Day for taking into Consideration the Petition of Robert Dick and others, which was referred from last Session to this Day, be read; and it was read accordingly.

Ordered, That the same be taken into Consideration on Tuesday the 15.<sup>th</sup> Instant.

M.<sup>r</sup> Beall from the Committee of Grievances and Courts of Justice brings in and delivers to M.<sup>r</sup> Speaker the following Report, Order, and Letter.

By the Committee of Aggrievances and Courts of Justice

October 10.<sup>th</sup> 1771

Your Committee humbly beg Leave to report to the Honourable House that the ffees of several of the Officers and Ministers of this Province their deputed Ministers and Servants are in themselves as now paid excessive great and oppressive to the Subject; and that the said ffees are under no Regulation of any Law of this Province. That your Committee were informed that several Officers do charge and receive ffees for Services performed by them in their respective Offices under and by Virtue of some Proclamation issued and published in the Name of his Excellency as Lieutenant General and Chief Governor of this Province and in Consequence of the said Information made the Order, a Copy whereof is hereunto annexed; and received from M.<sup>r</sup> U Scott, Clerk of his Lordship's honble Council of State his Answer also hereunto annexed; and submit the same to the Consideration of the Honble House.

Signed by Order W.<sup>m</sup> Wright Cl.

By the Committee of Aggrievances and Courts of Justice

October 7.<sup>th</sup> 1771

Ordered, That the Clerk of the Council make out and deliver to the said Committee a Copy of the Records or Minutes of the Council of all Orders and Proceedings of his Lordship's Honble Council of State made since the last Session of Assembly relative to the Fees of all or any of the Officers in this Province

Signed by Order W.<sup>m</sup> Wright Cl

Gentlemen,

Your Order "that the Clerk of the Council make out and deliver to the Committee of Aggrievances and Courts of Justice, a Copy of the Records or Minutes of the Council of all Orders and Proceedings of his Lordship's Honble Council of State, made since the last Session of Assembly relative to the ffees of all or any of the Officers in this Province" was delivered to me. As I apprehend

L. H. J. that my Compliance with the said Order would be repugnant to  
 Liber No. 54 the Nature and Duty of my Office, so I hope I shall be excused  
 Oct. 10 in not executing the Direction

I am Gentlemen with great Respect  
 Y.<sup>r</sup> Mo. Humble Servant  
 U Scott

To the Committee of Aggrievances  
 and Courts of Justice.

p. 205 Ordered, That they be read; and they were severally read accordingly

On Motion, the Question was put that the Subject Matter of the said Report be taken into Consideration on Thursday the 17.<sup>th</sup> Instant?

Resolved in the Affirmative

On Motion, Ordered That Leave be given to bring in a Bill for amending the Staple of Tobacco for preventing Frauds in his Majesty's Customs and for the Limitation of Officers Fees: And that M.<sup>r</sup> Hall, M.<sup>r</sup> Handy, M.<sup>r</sup> Allen, M.<sup>r</sup> Hammond, M.<sup>r</sup> Steele, M.<sup>r</sup> Dennis, M.<sup>r</sup> Grahame, M.<sup>r</sup> Johnson, M.<sup>r</sup> Tilghman, M.<sup>r</sup> Paca, M.<sup>r</sup> Chase, M.<sup>r</sup> Jordan, M.<sup>r</sup> Tyler, and M.<sup>r</sup> So Wright do prepare and bring in the same.

On Motion, Ordered, That Leave be given to bring in a Bill for the Tryal of all Matters of Fact in the several Counties where they have arisen or shall arise: And that M.<sup>r</sup> Tilghman, M.<sup>r</sup> Ennalls, M.<sup>r</sup> T. Wright, M.<sup>r</sup> Dennis, M.<sup>r</sup> Allen and M.<sup>r</sup> Paca do prepare and bring in the same.

The House appoints M.<sup>r</sup> James Hackman and M.<sup>r</sup> John Courts Jones Committee Clerks.

Ordered, That they be qualified.

Daniel of Saint Thomas Jenifer Esq.<sup>r</sup> from the Upper House delivers to M.<sup>r</sup> Speaker a Petition of the Rector Vestrymen, Freeholders and Parishioners of Prince George's Parish lying in Frederick and Prince George's Counties; praying that an Act may pass to impower the Magistrates of said Counties to levy on the taxable Inhabitants of the said Parish the Quantity of ninety six thousand Pounds of Tobacco for building a new Church at the Place where the old one now stands. Which was read a first and second Time and Leave given to bring in a Bill pursuant to the Prayer of the said Petition

Ordered, That M.<sup>r</sup> Luckett, M.<sup>r</sup> Wootton, M.<sup>r</sup> Beatty, M.<sup>r</sup> Beall, M.<sup>r</sup> Tyler, M.<sup>r</sup> Contee and M.<sup>r</sup> Sim do prepare and bring in the same.

Also a Petition of the Vestrymen and Church Wardens of Saint Luke's Parish in Queen Ann's County praying that a Law may pass empowering the Vestry and Church Wardens of the said Parish



for the Time being to dispose of the Pews in the Chapel of Ease in said Parish, in such Manner as may appear to them most advantageous and convenient to the Parishioners, or point out some particular Mode of Distribution of the said Pews. Which was read the first Time and ordered to lie on the Table

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The House adjourns till To-Morrow Morning 9 O'Clock

Friday October 11.<sup>th</sup> 1771

Oct. 11

The House met.

All Members present as on Yesterday.

The Proceedings of Yesterday were read.

M.<sup>r</sup> Worthington appeared in the House.

M.<sup>r</sup> Speaker reports to the House the following Certificates  
Ann Arundel County S.<sup>ct</sup>

I hereby certify that on the 10.<sup>th</sup> Day of October seventeen hundred and seventy One came John Courts Jones before me the Subscriber one of the Justices of the Peace of the said County and took the several Oaths to the Government required by Law subscribed the Oath of Abjuration repeated and signed the Test and took the following Oath Viz.<sup>t</sup> "I John Courts Jones do swear that I will true Entries make of all such Matters and Things as shall be to me directed by any Committee of the Lower House of Assembly for whom I shall act as Clerk, and that I will not divulge the Secrets of the said House or of any Committee thereof, but will in all Things well and truly demean myself according to the best of my Skill and Knowledge"

Ann Arundel County S.<sup>ct</sup>

R Ghiselin

I hereby certify that on the 10.<sup>th</sup> Day of October 1771 came James Hackman before me the Subscriber one of the Justices of the Peace of the said County & took the several Oaths to the Government required by Law, subscribed the Oath of Abjuration, repeated and signed the Test and took the following Oath Viz.<sup>t</sup> "I James Hackman do swear that I will true Entries make of all such Matters and Things as shall be to me directed by any Committee of the Lower House of Assembly for whom I shall act as Clerk and that I will not divulge the Secrets of the said House or of any Committee thereof but will in all Things well and truly demean myself according to the best of my Skill and Knowledge"

R Ghiselin

The House being informed that M.<sup>r</sup> Francis Ware a Delegate returned for Charles County was attending at the Door: Ord.<sup>d</sup> That M.<sup>r</sup> Smallwood and M.<sup>r</sup> Hawkins do go with that Gentleman to the Upper House to see him qualified. They returned and acquaint

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M.<sup>r</sup> Speaker they saw him qualified in the usual Manner. The Gentleman takes his Seat in the House

M.<sup>r</sup> Hammond being sick hath Leave of Absence.

The House was moved that a Resolve of the Lower House of Assembly of the 22.<sup>d</sup> Day of November 1763, respecting Parish Petitions be read; and it was read accordingly

M.<sup>r</sup> Wootton brings in and delivers to M.<sup>r</sup> Speaker a Bill entitled An Act for vesting in such foreign Protestants as are now naturalized or shall be hereafter naturalized in this Province all the Rights and Privileges of natural born Subjects. Which was read the first Time and ordered to lie on the Table

Ordered, That the Remonstrance of the Magistrates of Charles County which was referred from last Session to this Day be read; and it was read accordingly.

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On Motion, Ordered, That Leave be given to bring in a Bill to aid the Defects in the Records of Charles County: And that M.<sup>r</sup> Hall, M.<sup>r</sup> Smallwood, M.<sup>r</sup> Harrison, M.<sup>r</sup> Ware, M.<sup>r</sup> Hawkins and M.<sup>r</sup> Tilghman do prepare and bring in the same

On Motion, Ordered, That Leave be given to bring in a Bill for more effectually preventing the buying and selling of Offices and to prevent Simoniackal Contracts: And that M.<sup>r</sup> Chase, M.<sup>r</sup> Allen, M.<sup>r</sup> Dennis, M.<sup>r</sup> Hawkins, M.<sup>r</sup> Tilghman and M.<sup>r</sup> Hall do prepare and bring in the same

On Motion Ordered, That Leave be given to bring in a Bill for issuing Writs of Replevin out of the County Courts of this Province: And that M.<sup>r</sup> Chase and M.<sup>r</sup> Tilghman do prepare and bring in the same

The House adjourns till To-Morrow Morning 9 O'Clock

Oct. 12

Saturday October 12.<sup>th</sup> 1771

The House met.

All Members present as on Yesterday except M.<sup>r</sup> Hammond.

The Proceedings of Yesterday were read.

M.<sup>r</sup> Owings being indisposed hath Leave of the House to go Home.

The Bill for vesting in such foreign Protestants as are now naturalized or shall be hereafter naturalized in this Province all the Rights and Privileges of natural born Subjects was read a second Time and will pass

M.<sup>r</sup> W. Thomas hath Leave of Absence for a few Days on his private Affairs

M.<sup>r</sup> Thomas Wright, M.<sup>r</sup> Gresham, M.<sup>r</sup> Risteau and M.<sup>r</sup> Moale have Leave of Absence till Monday next

M.<sup>r</sup> Allen Quynn, in whose Stead M.<sup>r</sup> William Goldsmith qualified as Serjeant attended in the House Whereupon the said Goldsmith is discharged from any further Attendance

L. H. J.  
Liber No. 54  
Oct. 12

The House adjourns till Monday Morning 9 O'Clock

Monday 14.<sup>th</sup> October 1771

Oct. 14

The House met.

All Members present as on Saturday except M.<sup>r</sup> Sim, M.<sup>r</sup> Gresham, M.<sup>r</sup> T. Wright, M.<sup>r</sup> W. Thomas, and M.<sup>r</sup> Owings.

The Proceedings of Saturday were read

M.<sup>r</sup> Mackall and M.<sup>r</sup> Moale appear in the House

The Bill entitled An Act for vesting in such foreign Protestants as are now naturalized or shall be hereafter naturalized in this Province all the Rights and Privileges of natural born Subjects, sent to the Upper House by M.<sup>r</sup> Wootton and M.<sup>r</sup> Lockett.

M.<sup>r</sup> Hall brings in and delivers to M.<sup>r</sup> Speaker a Bill entitled An Act for amending the Staple of Tobacco for preventing Frauds in his Majesty's Customs and for the Limitation of Officers Fees. Which was read the first Time and ordered to lie on the Table

George Plater Esq from the Upper House delivers to M.<sup>r</sup> Speaker a Petition of several subscribing Clergymen of the Church of England as established in Maryland in Behalf of themselves and their Brethren setting forth that the Clergy of this Province under the Sanction of a Law made in 1704, continued, save a very short Interval, to receive the 40 per Poll to the Year 1747; when by an Act entitled An Act for amending the Staple of Tobacco &c.<sup>ta</sup> which expired in 1770 they received but 30 in lieu of the 40 per Poll settled upon them in Perpetuity by the Crown of England by and with the Advice and Consent of the General Assembly; and praying the House that in framing a new Law such Attention will be shewn to the Petitioners as is consistent with their legal Rights. Which was read and ordered to lie on the Table.

And a Petition of Mary Louttit Executrix and Relict of James Louttit of Cæcil County deceased praying that an Act may pass to impower her to dispose of one third Part of about twenty Acres of Land and a Grist Mill (which her late Husband died seized of) and apply the Money arising on such Sale towards the Payment of her said Husband's Debts. Which was read.

Ordered, That the same be referred to the Consideration of a Committee and that they do examine the Matter thereof and report the same as it shall appear to them to the House. And M.<sup>r</sup> Baxter, M.<sup>r</sup> Ward, M.<sup>r</sup> Veazy and M.<sup>r</sup> Tilghman are appointed a Committee accordingly; And they have Power to send for Persons Papers and Records



L. H. J.  
Liber No. 54  
Oct. 14  
p. 207

M.<sup>r</sup> Handy brings in and delivers to M.<sup>r</sup> Speaker the following Report

By the Committee appointed to enquire what Laws will expire at the Close of this Session October 12.<sup>th</sup> 1771

Your Committee find that the following Acts of Assembly will expire at the End of this Session if not cont.<sup>d</sup> Viz.<sup>t</sup>

An Act for the Preservation of the Breed of Fish passed May Session 1768.

An Act for reviving and continuing An Act entitled An Act to establish a Market at the Market House in Chester Town in Kent County and for the Regulation of the said Market passed May Session 1768

An Act for licensing Ordinary Keepers Hawkers Pedlars and Petty Chapmen passed May Session 1768

An Act for amending and declaring the Law in the Cases therein mentioned passed May Session 1768

All which is submitted to the Consideration of the Honourable House

Signed by Order John C. Jones Cl

Which was read and ordered to lie on the Table.

William Fitzhugh Esq from the Upper House delivers to M.<sup>r</sup> Speaker the Bill entitled An Act for vesting in such foreign Protestants as are now naturalized or shall be hereafter naturalized in this Province all the Rights and Privileges of natural born Subjects thus indorsed "By the Upper House of Assembly October 14.<sup>th</sup> 1771 Read the first and second Time by an especial Order and will pass.

Signed by Order U Scott Cl. Up. Ho."

Which Bill was read here and passed for ingrossing

M.<sup>r</sup> Wootton brings in and delivers to M.<sup>r</sup> Speaker the said Bill, ingrossed. Which was read and assented to.

The Order of the Day for taking into Consideration the Petition of Robert Henley Courts against M.<sup>r</sup> Francis Ware and M.<sup>r</sup> Josias Hawkins two Delegates returned for Charles County being read; the House was moved that the Resolves of the Lower House of Assembly of the 22.<sup>d</sup> June 1768 for preventing Charge and Expence in Elections of Members to serve in the General Assembly be read; and they were read accordingly.

The House took into Consideration the Petition of Robert Henley Courts against M.<sup>r</sup> Francis Ware and after Examination of several Witnesses at the Bar the sitting Members withdrew and the House resolved That Francis Ware is guilty of treating at the late Election for Charles County and the Question was put that M.<sup>r</sup> Francis Ware is duly elected a Burgess to serve in this General Assembly for Charles County? Resolved in the Negative

The House took into Consideration the said Petition against M.<sup>r</sup> Josias Hawkins and after Examination of several Witnesses at the Bar Resolved, That Josias Hawkins is guilty of treating at the late Election for Charles County and the Question was put that M.<sup>r</sup> Josias Hawkins is duly elected a Burgess to serve in this General Assembly for Charles County? Resolved in the Negative

L. H. J.  
Liber No. 54  
Oct. 14

Ordered, That the sitting Members be called in; and they appeared at the Bar accordingly

Ordered, That M.<sup>r</sup> Speaker do acquaint the Gentlemen with the Resolutions of the House and inform them that they are discharged from any further Attendance as Members of this House. Which he accordingly did.

Ordered, That M.<sup>r</sup> Francis Ware and M.<sup>r</sup> Josias Hawkins do pay the Charge arising due on the said Petition

Ordered, That M.<sup>r</sup> Beall, M.<sup>r</sup> Chase and M.<sup>r</sup> Tilghman be a Committee to tax the fees arising due on the said Petition

Ordered, That M.<sup>r</sup> Speaker do issue his Warrant to the Secretary of this Province requiring him to make out a new Writ of Election directed to the Sheriff of Charles County to elect two Delegates to serve in this present Session of Assembly in the Room of M.<sup>r</sup> Francis Ware and M.<sup>r</sup> Josias Hawkins whose Seats are vacated

The House adjourns till To-Morrow Morning 9 O'Clock

Tuesday October 15.<sup>th</sup> 1771

Oct. 15

The House met.

All Members present as on Yesterday except M.<sup>r</sup> Tilghman and M.<sup>r</sup> Earle.

The Proceedings of Yesterday were read.

M.<sup>r</sup> T Wright appeared in the House

On Motion, Ordered, That Leave be given to bring in a Bill for the Adjournment and Continuance of the High Court of Appeals. M.<sup>r</sup> Paca brings in and delivers to M.<sup>r</sup> Speaker the said Bill. Which was read the first and second Time by an especial Order, passed, and sent to the Upper House by M.<sup>r</sup> Paca and M.<sup>r</sup> Hall.

On Motion, Ordered, That Leave be given to bring in a Bill to prevent the Exportation of Flour, Staves and Shingles not merchantable from the Town of Baltimore, or Fell's Point in Baltimore County, and to regulate the Weight of Hay and Measure of Grain, Salt, Flax Seed and Fire Wood within the said Town: And that M.<sup>r</sup> Moale, M.<sup>r</sup> Deye, M.<sup>r</sup> Ristean, M.<sup>r</sup> Owings, M.<sup>r</sup> Paca and M.<sup>r</sup> Chase do prepare and bring in the same.

On Motion, Ordered, That Leave be given to bring in a Supplementary Bill to the Act entitled An Act for the building of a Parish

L. H. J. Church in Christ Church Parish in Calvert County: And that M.<sup>r</sup>  
 Liber No. 54 Grahame, M.<sup>r</sup> Mackall, M.<sup>r</sup> Parran and M.<sup>r</sup> Weems do prepare and  
 Oct. 15 bring in the same

On Motion, Ordered, That Leave be given to bring in a Bill for the Inspection of Flour at George Town in Frederick County and that M.<sup>r</sup> Wootton, M.<sup>r</sup> Luckett, M.<sup>r</sup> Beatty and M.<sup>r</sup> Chase do prepare & bring in the same

Ordered, That the Order of the Day for taking into Consideration the Petition of Robert Dick be read; and it was read accordingly.

p. 208 Ordered, That the Petition of Robert Dick and others be read; and it was read accordingly.

Ordered, That a Paper entitled "A List of Tobacco damaged at Bladensburgh Warehouse by the Fresh and high Tide in the Night between the 14.<sup>th</sup> and 15.<sup>th</sup> of August 1767 with what is cut off each Hhd" be read; and it was read accordingly.

Ordered, That M.<sup>r</sup> Chase, M.<sup>r</sup> Hall, M.<sup>r</sup> Beall, M.<sup>r</sup> Handy, M.<sup>r</sup> Contee, M.<sup>r</sup> Allen and M.<sup>r</sup> Paca, be a Committee to enquire into the Facts set forth in the said Petition and report the same as it shall appear to them to the House and they have Power to send for Persons Papers and Records

M.<sup>r</sup> Beall brings in and delivers to M.<sup>r</sup> Speaker the following Report

October 15.<sup>th</sup> 1771

By the Committee appointed to tax the Fees and Allowances arising due to the Officers of this House; and sundry Witnesses, on the Petition of Robert Henley Courts of Charles County

In Obedience to the Order of the Honourable House your Committee have proceeded to tax the Fees and Allowances on the above Petition as follows

To the Clerk for issuing 9 Summonses @ 3/...	£1..7..0
To the Serjeant for serving 8 Summonses @ 3/	1..4..0
To John Luckett 1 Days Attendance and 4 Days Itinerant Charges @ 5/.....	1..5..0
To John Parran for the same.....	1..5..0
To Anthony Gray for the same.....	1..5..0
To Ignatius Ryan for the same.....	1..5..0
To Ignatius Middleton for the same.....	1..5..0
To Thomas Reeder for the same.....	1..5..0
To Edward Boarman for the same.....	1..5..0
	<hr/>
	£11..6..0
	<hr/>

All which is submitted to the Consideration of the Honourable House.

Signed by Order W.<sup>m</sup> Wright Cl.



Which was read and concurred with

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Liber No. 54  
Oct. 15

On Motion, Ordered, That Leave be given to bring in a Bill for aid defective Common Recoveries; and that M.<sup>r</sup> Paca and M.<sup>r</sup> Chase do prepare and bring in the same

On Motion, Ordered, That Leave be given to bring in a Bill for licensing Ordinary Keepers Hawkers Pedlars and Petty Chapmen; and that M.<sup>r</sup> Grahame, M.<sup>r</sup> Beall, M.<sup>r</sup> Tyler, M.<sup>r</sup> Allen, M.<sup>r</sup> Hall, M.<sup>r</sup> Harrison and M.<sup>r</sup> Dennis do prepare and bring in the same: And that the said Gentlemen be a Committee to bring in the continuing Bills.

Ordered, That the Order of the Day for taking into Consideration the Compass Bill &c.<sup>ta</sup> be read; and it was read accordingly. Ordered, That the same be referred for Consideration on the second Tuesday of next Session

Ordered, That the Order of the Day for taking into Consideration the Report of the 20.<sup>th</sup> November last relative to Ann Gaither be read; and it was read accordingly.

Upon Consideration of the said Report Leave is given to bring in a Bill for the Relief of Ann Gaither Ordered, That M.<sup>r</sup> Hall and M.<sup>r</sup> Paca do prepare and bring in the same

George Steuart Esq from the Upper House delivers to M.<sup>r</sup> Speaker the Bill entitled An Act for the Adjournment and Continuance of the High Court of Appeals thus indorsed. "By the Upper House of Assembly October 15.<sup>th</sup> 1771 Read the first and second Time by an especial Order and will pass.

Signed by Order. U Scott Cl Up Ho."

Which was read here and pass'd for ingrossing

M.<sup>r</sup> Wootton brings in and delivers to M.<sup>r</sup> Speaker a Bill entitled An Act empowering the Justices of Prince Georges and Frederick Counties to levy on the taxable Persons of Prince George's Parish in said Counties the Sum of ninety six thousand Pounds of Tobacco for building a new Parish Church at or near the Place where the old One now stands. Which was read the first and second Time by an especial Order, pass'd, and sent to the Upper House by M.<sup>r</sup> Wootton and M.<sup>r</sup> Beatty

Ordered, That no Claims be received against the Public after Tuesday the 22.<sup>d</sup> Instant and that the Journal of Accounts be closed to that Day.

M.<sup>r</sup> Dennis brings in and delivers to M.<sup>r</sup> Speaker a Bill for more effectually preventing the buying and selling of Offices and to prevent Simoniack Contracts. Which was read the first Time and ordered to lie on the Table.

On Motion, Ordered, That Leave be given to bring in a Bill for raising Pence Sterling on every Hogshead of Tobacco

L. H. J. exported out of this Province for the Support of an Agent at London  
 Liber No. 54 for the Service of this Province; and that M.<sup>r</sup> Beall, M.<sup>r</sup> Dennis,  
 Oct. 15 and M.<sup>r</sup> Grahame do prepare and bring in the same

p. 209 M.<sup>r</sup> Beall brings in and delivers to M.<sup>r</sup> Speaker the said Bill.

Daniel of Saint Thomas Jenifer Esq from the Upper House delivers to M.<sup>r</sup> Speaker the Petitions of sundry languishing Prisoners with a List of their Names. Which List was thus indorsed "By the Upper House of Assembly October 15.<sup>th</sup> 1771 Read and referred to the Consideration of the Lower House of Assembly the Petitions of the several Prisoners of which this is a List.

Signed by Order U Scott Cl. Up. Ho."

The ingrossed Bills N.<sup>o</sup> 1 & 2 were sent to the Upper House with the Paper Bills thereof by M.<sup>r</sup> Wootton and M.<sup>r</sup> Beatty

On Motion, the Clergy Petition was read a second Time and the Consideration thereof referred till the second Reading the Bill for amending the Staple of Tobacco &<sup>ta</sup>

The House appoint M.<sup>r</sup> James Brooks a Committee Clerk. Ordered, That he be qualified.

M.<sup>r</sup> Allen brings in and delivers to M.<sup>r</sup> Speaker a Bill entitled An Act for issuing Writs of Replevin out of the County Courts of this Province. Which was read the first Time and ordered to lie on the Table.

The House adjourns till To-Morrow Morning 9 O'Clock

Oct. 16

Wednesday October 16.<sup>th</sup> 1771

The House met.

All Members present as on Yesterday.

The Proceedings of Yesterday were read.

M.<sup>r</sup> Johnson, M.<sup>r</sup> Earle and M.<sup>r</sup> Tilghman appeared in the House

George Plater, Esq.<sup>r</sup> from the Upper House delivers to M.<sup>r</sup> Speaker the Bill entitled An Act empowering the Justices of Prince George's and Frederick Counties to levy on the taxable Persons of Prince George's Parish in said Counties the sum of ninety six thousand Pounds of Tobacco for building a new Parish Church at or near the Place where the old one now stands thus indorsed "By the Upper House of Assembly October 16.<sup>th</sup> 1771 Read the first and second Time by an especial Order and will pass.

Signed by Order U Scott Cl. Up. Ho."

Daniel Dulany, Esq.<sup>r</sup> from the Upper House delivers to M.<sup>r</sup> Speaker the Paper Bills N.<sup>o</sup> 1 & 2 severally indorsed. "By the Upper House of Assembly October 15.<sup>th</sup> 1771. The ingrossed Bill whereof this is the Original read and assented to.

Signed by Order U Scott Cl. Up Ho."

George Steuart Esq.<sup>r</sup> from the Upper House delivers to M.<sup>r</sup> Speaker a Petition of the Vestrymen and Church Wardens of Stepney Parish in Somerset and Worcester Counties praying an Act may pass to empower the Justices of those Counties to levy on the taxable Inhabitants of said Parish sixty thousand Pounds of Tobacco for finishing and compleating three Chapels of Ease in the said Parish. And A Petition of the said Vestrymen and Church Wardens and sundry other Parishioners of said Parish praying an Act may pass to establish and confirm the Church at Green Hill the Parish Church for the said Parish

L. H. J.  
Liber No. 54  
Oct. 16

Benedict Calvert and Walter Dulany Esq.<sup>rs</sup> from the Upper House acquaint M.<sup>r</sup> Speaker that his Excellency requires the Attendance of the Members of this House in the Upper House to see the Laws passed.

M.<sup>r</sup> Speaker left the Chair and (with the Members of this House) went to the Upper House and there presented to his Excellency, An ingrossed Bill entitled An Act for vesting in such foreign Protestants as are now naturalized or shall be hereafter naturalized in this Province all the Rights and Privileges of natural born Subjects. And an ingrossed Bill entitled An Act for the Adjournment and Continuance of the High Court of Appeals. Both which his Excellency passed into Laws in the usual Manner, and then delivered to M.<sup>r</sup> Speaker two Papers marked "Amount of Tonnage from 29.<sup>th</sup> September 1769 to 29.<sup>th</sup> September 1770. Amount of Tonnage 1770 to 29.<sup>th</sup> September 1771" And the following Message.

Annapolis 16.<sup>th</sup> October 1771

Gentlemen,

I herewith lay before you the Amount of Tonnage of all Vessels, as well foreign as free Bottoms entered in Maryland these two last Years (Vessels from Virginia excepted) and shall be happy if it is in my Power to do any Thing further to advance the Erection of the proposed Light House on Cape Henry, in which the Trade of Maryland is equally interested with that of her Sister Virginia

Rob.<sup>t</sup> Eden

M.<sup>r</sup> Speaker (with the rest of the Members) returned. M.<sup>r</sup> Speaker resumes the Chair

On a second reading that Part of the Bill for amending the Staple of Tobacco &<sup>ta</sup> relative to the Allowance to the Clergy the House was moved that the third Section of An Act of Assembly entitled "An Act for the Establishment of Religious Worship in this Province, according to the Church of England; and for the Maintenance of Ministers" made the 16.<sup>th</sup> March 1701-2 be read; and it was read accordingly. p. 210

The Question was put That that Part of the Bill relative to the 30<sup>p</sup> Poll be altered? Resolved in the Affirmative



L. H. J.      The Question was put That the Clergy receive on 32 instead of  
 Liber No. 54      30 lbs of Tobacco p Poll, if paid in Money?  
 Oct. 16      Resolved, That they receive on 32.

For 32.

Mess. <sup>rs</sup>	{	Reeder,	Ennalls,	Hall,	
		Jordan,	J. Richardson,	Paca,	
		Johnson,	Moale,	Tilghman	
		Chase,	Veazy,	Earle,	
		Parran,	Baxter,	T. Wright,	
		Grahame,	Ward,	So. Wright.	
		Smallwood,	Beall,		
		W. Richardson,	Contee,		[22]

For 30

Mess. <sup>rs</sup>	{	Worthington,	Risteau,	Allen,	
		Mackall,	Deye,	Luckett,	
		Weems,	Tyler,	Wootton,	
		Harrison,	Holland,	Beatty.	
		Handy,	Chaille,		
		Dennis,	Robins,		[16]

The House adjourns till To-Morrow Morning 9 O'Clock

Oct. 17

Thursday October 17.<sup>th</sup> 1771

The House met.

All Members present as on Yesterday.

The Proceedings of Yesterday were read.

M.<sup>r</sup> Steele being indisposed, hath Leave of Absence for the Recovery of his Health.

The Bill for amending the Staple of Tobacco &.<sup>ta</sup> was read the second Time and committed for Amendment

On Motion, Ordered, That Leave be given to bring in a Supplementary Bill to the Act entitled An Act for building a Parish Church in Queen Anne Parish in Prince George's County; and that M.<sup>r</sup> Beall, M.<sup>r</sup> Tyler and M.<sup>r</sup> Contee do prepare and bring in the same

Ordered, That the Order of the Day for taking into Consideration the Report of the tenth Instant from the Committee of Grievances and Courts of Justice be read; and it was read accordingly.

Ordered, That the Papers annexed to the said Report be read; and they were read accordingly.

Ordered, That John Clapham, Esquire, Sheriff of Ann Arundel County immediately attend at the Bar of this House, and produce to this House the Proclamation issued on the 26.<sup>th</sup> Day of November 1770 in the Name of his Excellency the Governor, and published by the said John Clapham, as Sheriff of Ann Arundel County, relative to the fees of all or any of the Officers of this Province

L. H. J.  
Liber No. 54  
Oct. 17

Ordered, That the Clerk of this House do forthwith deliver to the Serjeant at Arms attending this House a Copy of the above Order.

Ordered, That the Serjeant at Arms attending this House do forthwith serve the said John Clapham with a Copy of the above Order

M.<sup>r</sup> Grahame brings in and delivers to M.<sup>r</sup> Speaker a Bill reviving and continuing An Act entitled An Act to establish a Market at the Market House in Chester Town in Kent County and for the Regulation of the said Market. And A Bill entitled An Act continuing An Act entitled An Act for the Preservation of the Breed of fish

The House being informed that M.<sup>r</sup> John Clapham, Sheriff of Ann Arundel County was attending at the Door, Ordered, That he be called in, and he appeared accordingly; and at the Bar presented to the House a Proclamation.

Ordered, That the Clerk of this House do take a Copy thereof and make it a Part of these Proceedings. Which he accordingly did; and it follows in these Words Viz.<sup>t</sup>

Maryland ss<sup>t</sup>

By his Excellency Robert Eden Esquire Lieutenant General and Chief Governor in and over the Province of Maryland

#### A PROCLAMATION

Being desirous to prevent any Oppressions and Extortions from being committed under Colour of Office by any of the Officers and Ministers of this Province and every of them their Deputies or Substitutes in exacting unreasonable and excessive Fees from the Good People thereof I have thought fit with the Advice of his Lordship's Council of State to issue this my Proclamation And do therefore hereby Order and Direct that from and after the Publication hereof no Officer or Officers (the Judges of the Land Office excepted who are subject to other Regulation to them given in Charge) their Deputies or Substitutes by Reason or Colour of his or their Office or Offices have, receive, demand or take of any Person or Persons directly or indirectly any other or greater Fees than by an Act of Assembly of this Province entitled "An Act for amending the Staple of Tobacco for preventing Frauds in his Majesty's Customs and for the Limitation of Officers Fees" made and passed at a Session of Assembly begun and held at the City of Annapolis on Tuesday the fourth Day of October Seventeen hundred and sixty three were limited and allowed; or take or receive of any Person or Persons

p. 211

L. H. J. on immediate Payment (in Case Payment shall be made in Money)  
 Liber No. 54 any larger Fee than after the Rate of twelve Shillings and Six  
 Oct. 17 Pence Common Current Money for One hundred Pounds of Tobacco  
 under the Pain of my Displeasure. And to the Intent that all Persons  
 concerned may have due Notice thereof I do strictly charge and  
 require the Sheriff of the City of Annapolis to make this my Procla-  
 mation publick in the said City as he will answer the contrary at his  
 Peril Given at the City of Annapolis this 26.<sup>th</sup> Day of November in  
 the twentieth Year of his Lordship's Dominion Anno Domini 1770

Signed by Order U Scott Cl. Con.

Rob.<sup>t</sup> Eden [The Great Seal]

M.<sup>r</sup> Gresham appeared in the House

Daniel of Saint Thomas Jenifer Esq.<sup>r</sup> from the Upper House  
 delivers to M.<sup>r</sup> Speaker a Petition of Frances Colvill, George Wash-  
 ington, and John West, jun.<sup>r</sup> Executors of Thomas Colvill, late of  
 Fairfax County, in Virginia, and John Semple, Merchant; setting  
 forth, that a certain John Colvill, late of Fairfax County, aforesaid,  
 being possessed of a Tract of Land in Frederick County in the Pro-  
 vince of Maryland called Merryland did by his last Will and Testa-  
 ment empower his Brother, Thomas Colvill one of his Executors, to  
 sell the said Land to pay his Debts. That the said Thomas Colvill  
 did sell the said Land unto John Semple one of the Petitioners, on  
 the 8.<sup>th</sup> Day of May 1765 for £2,500 Sterling, and took the said  
 Semple's Bond for the Payment thereof. That John Colvill died  
 considerably in Debt to sundry Persons, and among others owed his  
 Brother Thomas Colvill upwards of £800 Sterling. That the said  
 Thomas at his Death was indebted several Sums of Money and be-  
 queathed sundry Legacies which cannot be paid unless the Executors  
 can receive the Debt due from John Colvill's Estate: And therefore  
 praying the House that a Law may pass enabling the Executors of  
 Thomas Colvill or the Survivors of them to make sufficient Deeds  
 to the said John Semple or his Assigns for the said Lands on his or  
 their paying such Sum as shall appear to be due on the said Bond;  
 or in Case the Money should not be paid within a short Space of  
 Time that Thomas Colvill's Executors may be by Law enabled to  
 sell the said Lands to the highest Bidder so as the Wills of John and  
 Thomas Colvill may be complied with.

Ordered, That William Steuart Clerk of the Land Office imme-  
 diately attend at the Bar, and produce to this House the Regulation  
 lately given in Charge to the Registers of the said Office respecting  
 the Fees thereof as mentioned in the Proclamation of the 26.<sup>th</sup>  
 November 1770

Ordered, That the Clerk of this House do forthwith deliver to the  
 Serjeant at Arms attending this House a Copy of the above Order.

Ordered, That the Serjeant at Arms attending this House do



forthwith serve the said William Steuart with a Copy of the above Order.

L. H. J.  
Liber No. 54  
Oct. 17

The House being informed that M.<sup>r</sup> William Steuart, Clerk of the Land Office, was attending at the Door: Ordered, That he be called in: He appeared accordingly, and at the Bar presented to the House a Paper Writing under the Great Seal. Which the Clerk of this House is directed to take a Copy of and enter among the Proceedings, Which he accordingly did, and it follows in these Words Viz.<sup>t</sup>

Nov.<sup>r</sup> 24.<sup>th</sup> 1770. Frederick Absolute Lord and Proprietary of the Province of Maryland and Avalon Lord Baron of Baltimore &<sup>ta</sup> For the ascertaining what ffees and Perquisites may and shall be taken and received by our Judges and Register of our Land Office for their own Use and Benefit We do think fit and accordingly declare it to be our Will and Pleasure that our said Judges and Register shall have receive and take the following ffees and Perquisites hereunto written to their own Use and Benefit Witness our Brother Robert Eden Esq Governor of our said Province of Maryland and Chancellor and Keeper of the Great Seal thereof

Fees and Perquisites allowed by the Right Honourable the Lord Proprietary &<sup>ta</sup> to be taken by his Judges and Register of his Land Office Viz.<sup>t</sup> p. 212

For a Common Warrant.....	33
For renewing the same.....	33
For recording Certificate p Side.....	9
For making out a Grant.....	90
For recording it.....	67
For every Petition and Order.....	150
For a Special Warrant including Petition and Order thereon .....	375
For renewing every Special Warrant.....	75
For every Deed or Assignment.....	24
For Hearing and Sentence thereon.....	75
For searching any Matter or Thing the first Year... Nothing	
For all Searches above one Year, be the Time of what Length soever if the Matter searched for be found..	15
For all Copies per Side computed as before.....	9
For every other Service not herein mentioned per Side and so pro rato.....	9

N. B. The above Fees if paid for at the Time of performing the Service may be discharged in Money at the Rate of twelve Shillings and six Pence Currency for every 100<sup>lbs</sup> of Tobacco. And if paid in inspected Tobacco 10 p Cent to be discounted for Conveniency

Rob.<sup>t</sup> Eden [The Great Seal]

L. H. J.      The further Consideration whereof is referred till To-Morrow  
Liber No. 54      The House adjourns till To-Morrow Morning 9 O'Clock  
Oct. 17

Oct. 18

Friday October 18.<sup>th</sup> 1771

The House met.

All Members present as on Yesterday.

The Proceedings of Yesterday were read

On Motion, Ordered, That Leave be given to bring in a Supplementary Bill to the Act entitled An Act to enable the Justices of Dorchester County Court to assess and levy on the taxable Inhabitants of the said County a Quantity of Tobacco for the Purpose of Building a Court House, and that M.<sup>r</sup> Ennalls, M.<sup>r</sup> Joseph Richardson, M.<sup>r</sup> Chase and M.<sup>r</sup> Johnson do prepare and bring in the same.

Benedict Calvert Esq.<sup>r</sup> from the Upper House delivers to M.<sup>r</sup> Speaker a Petition of sundry Subscribers living in and convenient to the Town of Bladensburgh in Prince George's County setting forth That the Navigation of the Eastern Branch of Potowmack River being obstructed by several Bars which are daily encreasing many People have subscribed Sums of Money to a considerable Amount to be paid to certain Persons in the Petition named to be by them applied towards clearing the said Navigation and praying that an Act may pass empowering the said Persons, as Trustees, to receive further Subscriptions, to obtain Payment of all Sums of Money which have been or shall be subscribed for the said Purpose according to the Terms of such Subscription and to contract with fit Persons for effecting the Purpose aforesaid by making the Channel deeper, straighter, or wider, as shall be thought most easy and most effectual for preventing Obstructions from gathering hereafter. That in the said Act it may be declared lawful to destroy, and that a fit Penalty may be annexed to the making any Hedges or Wares on the Waters aforesaid in Time to come, and that a severe Penalty may, by the said Act attend the cleaning of Fish and leaving any Part of them within the said Town, or within half a Mile thereof. And a Petition of Frank Leeke and George Digges of Prince George's County, praying An Act may pass to empower them to sell a Lot of Ground in Upper Marlborough which Charles Digges late of that County deceased purchased from a certain John Weldon, for the Payment of the Debts of the said Charles Digges

The Bill for amending the Staple of Tobacco &<sup>ta</sup> was read with the Amendments for which it had been committed, passed, and sent to the Upper House by M.<sup>r</sup> Hall and Eleven more.

M.<sup>r</sup> Chamberlaine, M.<sup>r</sup> Ennalls, and M.<sup>r</sup> W. Richardson have Leave of Absence

M.<sup>r</sup> Beall brings in and delivers to M.<sup>r</sup> Speaker the following Report

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By the Committee upon the Petition of Robert Dick and others

Your Committee have proceeded to examine into the Facts set forth in the said Petition and find by the annexed Articles of Agreement for building two Warehouses at Bladensburgh that the same were to have been compleated by the fifteenth Day of July One thousand seven hundred and sixty seven and by the annexed Deposition of William Deakins one of the Inspectors at said Warehouse that Year it will (among other Things) appear that the Warehouses aforesaid were not compleated at the Time of the Freshes which occasioned the Damage sustained in the Tobacco in one of the said Warehouses. All which is submitted to the Consideration of the Honourable House

Signed by Order Jn.<sup>o</sup> Courts Jones Cl.

Which being read; Ordered, That the Petition of Robert Dick and others be read; and it was read accordingly.

Ordered, That the several Papers annexed to the said Report be read; and they were read accordingly.

Ordered, That the 141, 142, and 143 Sections of an Act of Assembly entitled An Act for amending the Staple of Tobacco for preventing Frauds in his Majesty's Customs and for the Limitation of Officers Fees made October Session 1763 be read; and they were read accordingly.

Upon Consideration of the above Petition and other Papers the House resolved, That the Public shall not be burthened to make good any Loss mentioned in the said Petition

On Motion, Ordered, That Leave be given to bring in a Bill for the Relief of the Sufferers at Bladensburgh Warehouse: And that M.<sup>r</sup> Hall, M.<sup>r</sup> Beall, and M.<sup>r</sup> Tyler do prepare and bring in the same.

Ordered, That the Order of the Day for taking into Consideration the Report of the Committee of Grievances and Courts of Justice of the 10.<sup>th</sup> Instant be read; and it was read accordingly.

Ordered, That the said Report be read; and it was read accordingly.

Ordered, That the Proclamation issued the 26.<sup>th</sup> November 1770 be read; and it was read accordingly

Ordered, That a Paper Writing under the Great Seal, signed by the Governor, the 24.<sup>th</sup> November 1770 be read; and it was read accordingly

Ordered, That the Resolves of the Lower House of Assembly of the 1.<sup>st</sup> November 1770 be read; and they were read accordingly.

The House was moved That the Stat. of 34.<sup>th</sup> Edw.<sup>d</sup> I. Cap. 1. be read; and it was read accordingly



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The House was moved that An Act declaring the Rights and Liberties of the Subject and settling the Succession of the Crown made I. W. & M. Cap. 2. be read; and it was read accordingly.

The House was moved that the 8.<sup>th</sup> Section of the Charter of this Province be read; and it was read accordingly.

The House was moved that an Act of Assembly of this Province entitled “An Act against raising Money within this Province without Consent of the Assembly” made the 29.<sup>th</sup> Aprii 1650 be read; and it was read accordingly.

Ordered, That the following be entered as the Resolves of this House

Resolved unanimously, That the Representatives of the Freemen of this Province have the sole Right, with the Assent of the other Part of the Legislature, to impose and establish Taxes or Fees; and that the imposing, establishing or collecting any Taxes or Fees on or from the Inhabitants of this Province under Colour or Pretence of any Proclamation issued by or in the Name of the Lord Proprietary or other Authority is arbitrary unconstitutional and oppressive

Resolved, unanimously, That in all Cases where no ffees are established by Law for Services done by Officers the Power of ascertaining the Quantum of the Reward for such Services is constitutionally in a Jury upon the Action of the Party

Resolved, unanimously, That the Proclamation issued in the Name of his Excellency Robert Eden the Governor with the Advice of his Lordship’s Council of State on the 26.<sup>th</sup> Day of November 1770 is illegal, arbitrary, unconstitutional and oppressive

Resolved, unanimously, That the Paper Writing under the Great Seal of this Province issued in the Name of the Lord Proprietary on the 24.<sup>th</sup> Day of November 1770 for the ascertaining the Fees and Perquisites to be received by the Registers of the Land Office is illegal, arbitrary, unconstitutional and oppressive.

p. 214 The Question was put That the following be entered as the Resolve of this House

Resolved, That the Advisers of the said Proclamations are Enemies to the Peace, Welfare and Happiness of this Province and the Laws and Constitution thereof?

Resolved in the Affirmative

For the Affirmative

Mess. <sup>rs</sup>	Jordan,	J. Richardson,	Tilghman,
	Grahame,	Moale,	Earle,
	Johnson,	Risteau,	T. Wright,
	Chase,	Deye,	So. Wright,

Mess. <sup>rs</sup>	Mackall,	Veazy,	Holland,	L. H. J. Liber No. 54 Oct. 18
	Parran,	Baxter,	Chaille,	
	Weems,	Ward,	Robins,	
	Harrison,	Beall,	Allen,	
	Smallwood,	Tyler,	Wootton,	
	Handy,	Contee,	Beatty.	
	Dennis,	Paca,		

[32]

For the Negative

Mess. <sup>rs</sup>	W Richardson,	Ennalls,	Hall.	[3]
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Ordered, That an Address be prepared to his Excellency the Governor respecting the said Proclamations, and that a Copy of the above Resolves be sent with the said Address

Ordered, That M.<sup>r</sup> Chase, M.<sup>r</sup> Hall, M.<sup>r</sup> Johnson, M.<sup>r</sup> Dennis, M.<sup>r</sup> Paca, M.<sup>r</sup> Tilghman, M.<sup>r</sup> Grahame, M.<sup>r</sup> Handy, M.<sup>r</sup> Allen, and M.<sup>r</sup> So. Wright do prepare and bring in such Address

The House adjourns till To Morrow Morning half after 8 O'Clock

Saturday October 19.<sup>th</sup> 1771

Oct. 19

The House met according to Adjournment.

All Members present as on Yesterday except M.<sup>r</sup> Chamberlaine, M.<sup>r</sup> W. Richardson and M.<sup>r</sup> Ennalls.

The Proceedings of Yesterday were read.

M.<sup>r</sup> Earle, M.<sup>r</sup> Jordan, M.<sup>r</sup> So. Wright and M.<sup>r</sup> Moale have Leave of Absence

On Motion, Resolved, That this House will, on Tuesday next, take into Consideration the Expediency, and the Ways and Means of issuing Bills of Credit for the Improvement of the Province and the Advancement of the Trade thereof

The Petition of Frances Colvill and others was read

Ordered, That the same be referred to the Consideration of a Committee and that they do examine the Matter thereof and report the same as it shall appear to them to the House; And M.<sup>r</sup> Johnson, M.<sup>r</sup> Paca, and M.<sup>r</sup> Smallwood are appointed a Committee accordingly And they have Power to send for Persons Papers and Records.

The Bill entitled An Act to aid defective Common Recoveries read the first Time and ordered to lie on the Table.

The Petition of Frank Leeke and George Digges. Ordered, That the same be referred to the Consideration of a Committee and that they do examine the Matter thereof and report the same as it shall appear to them to the House. And M.<sup>r</sup> Handy, M.<sup>r</sup> Dennis, M.<sup>r</sup>

L. H. J. Paca, M.<sup>r</sup> Beall, M.<sup>r</sup> Tyler and M.<sup>r</sup> Contee are appointed a Committee accordingly; and they have Power to send for Persons Papers and Records.  
 Liber No. 54  
 Oct. 19

The Petition of the Vestrymen and Church Wardens of Stepney Parish, praying that an Act of Assembly may pass empowering the Justices of Somerset and Worcester Counties to levy on the taxable Inhabitants of the said Parish sixty thousand Pounds of Tobacco to [be] applied to the Purpose of finishing and compleating three Chapels of Ease in the said Parish was read and granted. Leave given to bring in a Bill pursuant to the Prayer of the said Petition

Ordered, That M.<sup>r</sup> Dennis and M.<sup>r</sup> Handy do prepare and bring in the same

The Petition of sundry the Inhabitants of Stepney Parish, praying that an Act may pass to establish the Chapel at the Head of Wiccomoco River, the Parish Church, read and rejected.

The Petition of the Vestrymen, Church-Wardens and Parishioners of Stepney Parish, praying that an Act may pass to establish and confirm the Church at Green Hill the Parish Church read and ordered to lie on the Table

p. 215 The Bill entitled An Act for issuing Writs of Replevin &.<sup>t</sup> read a second Time, passed, and sent to the Upper House by M.<sup>r</sup> Smallwood and M.<sup>r</sup> Mackall

The Bill entitled, An Act continuing An Act entitled An Act for the Preservation of the Breed of ffish And the Bill entitled An Act continuing An Act entitled An Act to establish a Market at the Market House in Chester Town in Kent County and for the Regulation of the said Market were severally read the first and second Time by an especial Order and will pass. Sent to the Upper House by M.<sup>r</sup> Veazy and M.<sup>r</sup> Earle. The Bill entitled An Act for the Relief of Ann Gaither of the City of Annapolis Widow, read the first and second Time by an especial Order and committed for Amendment, and Leave given to alter the Title.

The Petition of sundry Persons living in, and convenient to the Town of Bladensburgh in Prince George's County; read the first Time and ordered to lie on the Table

On Motion, Ordered, That Leave be given to bring in a Bill for imposing a further additional Duty of five Pounds Current Money per Poll on all Negroes imported into this Province: And that M.<sup>r</sup> Tilghman, M.<sup>r</sup> Graham, and M.<sup>r</sup> Mackall do prepare and bring in the same.

The Bill entitled An Act for raising Pence Sterling on every Hogshead of Tobacco exported out of this Province for the Support of an Agent at London for the Service of this Province; read the first Time and ordered to lie on the Table



A Remonstrance from the Justices of Ann Arundel County, which was referred from last, to this Session of Assembly was read. Ordered, That the same be taken into Consideration on Thursday next.

L. H. J.  
Liber No. 54  
Oct. 19

Daniel of Saint Thomas Jenifer Esq.<sup>r</sup> from the Upper House delivers to M.<sup>r</sup> Speaker the Bill entitled An Act continuing An Act entitled An Act for the Preservation of the Breed of Fish: And the Bill entitled An Act contining An Act entitled An Act to establish a Market at the Market House in Chester Town &<sup>ta</sup> severally in-dorsed "By the Upper House of Assembly October 19.<sup>th</sup> 1771 Read the first and second Time by an especial Order and will pass.

Signed by Order U Scott Cl. Up. Ho."

Which were severally read here and passed for ingrossing.

The House adjourned till Monday Morning 9 O'Clock

Monday October 21.<sup>st</sup> 1771

Oct. 21

The House met.

All Members present as on Saturday except M.<sup>r</sup> Moale, M.<sup>r</sup> Earle, M.<sup>r</sup> Jordan, M.<sup>r</sup> So. Wright and M.<sup>r</sup> Wootton.

The Proceedings of Saturday were read.

M.<sup>r</sup> Rumsey and M.<sup>r</sup> N. Thomas appeared in the House.

M.<sup>r</sup> Tilghman brings in and delivers to M.<sup>r</sup> Speaker a Bill entitled An Act for imposing a farther Additional Duty of                      Pounds Current Money per Poll on all Negroes imported into this Province.

Which was read the first Time and ordered to lie on the Table

M.<sup>r</sup> Beall brings in and delivers to M.<sup>r</sup> Speaker a Bill entitled A Supplementary Act to the Act entitled An Act for the building a Parish Church in Queen Ann Parish in Prince George's County. Which was read the first Time and ordered to lie on the Table.

The House being informed that M.<sup>r</sup> Theophilus Hanson was attending at the Door in Obedience to the Order of the 10.<sup>th</sup> Instant; Ordered, That he be called in, and he appeared at the Bar accordingly

Ordered, That the Report from the Committee of Grievances of the 20.<sup>th</sup> November 1770 be read; and it was read accordingly.

M.<sup>r</sup> Hanson, agreeable to the above Order, produced to the House the Instructions he received from Horatio Sharpe Esq<sup>r</sup> Surveyor General of the Western Shore in the Year 1767.

Ordered, That they be read; and they were read accordingly.

He also produced additional Instructions from M.<sup>r</sup> George Lee.

Ordered, That they be read; and they were read accordingly.

It appearing that the said Theophilus Hanson, altho' he had charged excessive Fees seemed rather to have followed the Charges

L. H. J. of others than to have had any real Intention of Extortion; and that  
 Liber No. 54 he had not received those excessive Charges. Therefore he is dis-  
 Oct. 21 charged.

M.<sup>r</sup> Grahame brings in and delivers to M.<sup>r</sup> Speaker a Bill entitled  
 An Act for licensing Ordinary Keepers, Hawkers, Pedlars and Petty  
 Chapmen. Which was read the first Time and ordered to lie on the  
 Table

The House adjourns till To-Morrow Morning 9 O'Clock

Oct. 22  
 p. 216

Tuesday October 22.<sup>d</sup> 1771

The House met.

All Members present as on Yesterday except M.<sup>r</sup> Hall.

The Proceedings of Yesterday were read.

M.<sup>r</sup> Moale appeared in the House.

The Order of the Day for taking into Consideration the Report  
 of the Committee of Grievances of the 19.<sup>th</sup> November last, being  
 read; Ordered, That the same be taken into Consideration on Tues-  
 day the 29.<sup>th</sup> Instant.

Ordered, That the Order of the Day for taking into Consideration  
 the Expediency and the Ways and Means of issuing Bills of Credit  
 for the Improvement of the Province and the Advancement of the  
 Trade thereof, be read; and it was read accordingly.

The Question was put that the House will now resolve itself into  
 a Committee of the whole House to take into Consideration the Ex-  
 pediency and the Ways and Means of issuing Bills of Credit for the  
 Improvement of the Province and the Advancement of the Trade  
 thereof? Resolved in the Affirmative

The House resolved itself into the said Committee and after some  
 Time Spent therein M.<sup>r</sup> Speaker resumed the Chair, and M.<sup>r</sup> Worth-  
 ington, Chairman of the said Committee made the following Report

Resolved That it is the Opinion of this Committee that for trans-  
 acting the Business and carrying on the Commerce and Trade of this  
 Province it is expedient and necessary that there be a further Emis-  
 sion of Bills of Credit. That Bills of Credit be struck to the Amount  
 of 270,000 Dollars, of which 266,666 $\frac{2}{3}$  of a Dollar be emitted. That  
 the said Bills of Credit be circulated by Way of Loan upon real and  
 personal Security.

M.<sup>r</sup> Worthington also reported that the said Committee prayed  
 they might have Leave to sit again on Friday next

Resolved, That this House will, on Friday next, resolve itself into  
 a Committee of the whole House to take into further Consideration  
 the Expediency and the Ways and Means of issuing Bills of Credit

for the Improvement of the Province and the Advancement of the Trade thereof

L. H. J.  
Liber No. 54  
Oct. 22

The House being informed that M.<sup>r</sup> John Frederick Augustus Priggs was attending at the Door in Obedience to the Order of the 10.<sup>th</sup> Instant; Ordered, that he be called in, and he appeared at the Bar accordingly

Ordered, That the Report of the Committee of Grievances and Courts of Justice of the 20.<sup>th</sup> November 1770 be read; and it was read accordingly.

Ordered That John Frederick Augustus Priggs have a Copy of the said Report upon his Application to the Clerk of this House, and also Summonses for such Evidences as he may apply for.

On Application of M.<sup>r</sup> Priggs Leave is given him to make his Defence in Writing

Ordered, That the Matter be heard at the Bar of this House on Thursday next at the Sitting of the House

M.<sup>r</sup> Handy brings in and delivers to M.<sup>r</sup> Speaker a Bill entitled An Act to empower the Justices of Somerset and Worcester Counties to levy on the taxable Inhabitants of Stepney Parish in said Counties the Sum of sixty thousand Pounds of Tobacco for the Uses therein mentioned. Which was read the first and second Time by an especial Order and committed for Amendment

The Petition of the Vestrymen, Church Wardens and Parishioners of Stepney Parish praying that an Act may pass to establish and confirm the Church, at Green Hill, the Parish Church, was read the Second Time and granted.

Ordered, That Benjamin Belt and John Hamilton have Summonses for all such Evidences as they may apply for to the Clerk of this House

On Motion, Ordered, That Leave be given to bring in a Bill for the better regulating Attachments and that M.<sup>r</sup> Johnson, M.<sup>r</sup> Allen, M.<sup>r</sup> Dennis, M.<sup>r</sup> Rumsey, and M.<sup>r</sup> Tilghman do prepare and bring in the same

The House adjourns till To-Morrow Morning 9 O'Clock

Wednesday October 23.<sup>d</sup> 1771

Oct. 23

The House met.

All Members present as on Yesterday.

The Proceedings of Yesterday were read.

The Bill entitled a Supplementary Act to the Act entitled An Act for building a Parish Church in Queen Ann Parish in Prince George's County was read a second Time, pass'd, and sent to the Upper House by M.<sup>r</sup> Beall and M.<sup>r</sup> Contee



L. H. J.  
Liber No. 54  
Oct. 23  
p. 217

The House being informed that M.<sup>r</sup> Levin Gale a Delegate returned for Somerset County was attending at the Door; Ordered, That M.<sup>r</sup> Handy and M.<sup>r</sup> Dennis do go with that Gentleman to the Upper House to see him qualified. They return and acquaint M.<sup>r</sup> Speaker they saw him qualified in the usual Manner.

The Petitions of sundry languishing Prisoners were read the first Time and ordered to lie on the Table.

M.<sup>r</sup> W. Thomas appeared in the House

George Plater Esq from the Upper House delivers to M.<sup>r</sup> Speaker the Bill entitled A Supplementary Act to the Act entitled An Act for building a Parish Church in Queen Ann Parish in Prince George's County thus indorsed "By the Upper House of Assembly October 23.<sup>d</sup> 1771 Read the first and second Time by an especial Order and will pass

Signed by Order U Scott Cl. Up. Ho."

Which Bill was read here and pass'd for ingrossing

On reading the Petition of Robert Horner a languishing Prisoner in Charles County Goal and a counter Petition preferred by Robert Buchanan Attorney in ffact for James Buchanan: Ordered That M.<sup>r</sup> Smallwood, M.<sup>r</sup> Harrison, M.<sup>r</sup> Grahame, M.<sup>r</sup> Weems, and M.<sup>r</sup> Johnson be a Committee to enquire into the Facts set forth in the said Petitions, and report the same as it shall appear to them to the House; and they have Power to send for Persons Papers and Records

The Petition of Andrew Colter of Cecil County setting forth that about the Year 1763 he became Security for Thomas Palmer who was left Executor of Thomas Elliott sen.<sup>r</sup> his Administration on Elliott's Estate. That the said Executor by Reason of his Absence from the Province, the Want of Effects, and injudicious method of administring such Effects of the Testator as actually came to his Hands and by suffering them to be taken away and destroyed by other Persons; and also by Reason of the said Executor's becoming insolvent he conceives himself to be in great Danger of being charged with the Debts and Legacies remaining unpaid; and therefore praying the House to pass an Act to release him from the Bond which he executed as Security aforesaid; read and rejected.

M.<sup>r</sup> Mackall brings in and delivers to M.<sup>r</sup> Speaker a Bill entitled A Supplementary Act to the Act entitled An Act for the building of a Parish Church in Christ Church Parish in Calvert County. Which was read the first and second Time by an especial Order and will pass

The Bill entitled An Act to empower the Justices of Somerset and Worcester Counties to levy on the taxable Inhabitants of Stepney Parish in said Counties the Sum of sixty thousand Pounds of Tobacco for the Uses therein mentioned and to establish the Church at Green Hill the Parish Church for said Parish was read with the Amendments for which it has been committed and will pass.

Both which Bills were sent to the Upper House by M.<sup>r</sup> Mackall and M.<sup>r</sup> Handy.

L. H. J.  
Liber No. 54  
Oct. 23

On Motion, Ordered That Leave be given to bring in a Bill for amending and declaring the Law in the Cases mentioned; and that M.<sup>r</sup> Chase and M.<sup>r</sup> N. Thomas do prepare and bring in the same

M.<sup>r</sup> Dennis brings in and delivers to M.<sup>r</sup> Speaker a Bill entitled An Act for Trial of all Matters of Fact in the several Counties where they have arisen or shall arise. Which was read the first Time and ordered to lie on the Table.

M.<sup>r</sup> Paca brings in and delivers to M.<sup>r</sup> Speaker an Address to his Excellency which was read approved of and ordered to be ingrossed

The Bill entitled An Act for imposing a further additional Duty of five Pounds Current Money per Poll on all Negroes imported into this Province was read a second Time and will pass

It appearing to this House that Samuel Cookson of Baltimore County in the Year 1768 preferred a Petition to the then Lower House of Assembly setting forth "that he did on or about the 19.<sup>th</sup> Day of September 1763 purchase of a certain William Bond, for the Consideration of £900 his Dwelling Plantation made up of several Tracts of Land. That the said William Bond did at the same Time make and execute his Bond to the Petitioner thereby obligating himself and his Heirs to make and execute unto the said Petitioner or his Assigns a good and lawful Deed of special Warranty upon the Petitioners paying the Sum of £500. That the Petitioner did pay unto the said William Bond in his Life Time the aforesaid Sum of £500, and did also make him sundry Payments over and above the said Sum towards a second Payment amounting to the Sum of £74..12..2. That he hath also paid and discharged to a certain John Moale the Sum of £43..7..9 Pensylvania Currency being the Balance due on a Mortgage made of the said Lands by a certain Thomas Bond ffather to the said William. That the Petitioner hath also purchased of a certain Phebe Bond the Widow of the said Thomas and Mother of the said William her Right of Dower in the said Land for the Consideration of ten Pounds per Year

That the said William Bond died without having made over or conveyed to the Petitioner the said Lands leaving a Daughter a Minor of the Age of two Years And the Petitioner being willing and desirous to pay and discharge the Balance due from him and conceiving himself to be without Remedy both at Law and Equity. And therefore praying a Bill might pass to establish his Title in the said Lands in as full and ample Manner as if the said William Bond had conveyed the same agreeable to the Terms of his Bond. It appearing also that the said Petition was in 1769 referred to the Consideration of a Committee and that that Committee reported the several ffacts therein contained to be true. That in Consequence thereof Leave was given to said Cookson to bring in a Bill pursuant to the Prayer of

p. 218

L. H. J. his Petition. Which was brought in and upon a second Reading  
 Liber No. 54 referred to the Consideration of the next Session of Assembly That  
 Oct. 23 no Person then appearing to prosecute the said Bill nothing further  
 was done therein

In being now moved That Leave may be given to the said Cookson  
 to bring in a new Bill pursuant to the Prayer of his said Petition,  
 Leave is given accordingly.

The House adjourns till To-Morrow Morning 9 O'Clock

Oct. 24

Thursday October 24.<sup>th</sup> 1771

The House met.

All Members present as on Yesterday except M.<sup>r</sup> Worthington.

The Proceedings of Yesterday were read.

M.<sup>r</sup> Hall and M.<sup>r</sup> Hammond appeared in the House

William Fitzhugh Esq from the Upper House delivers to M.<sup>r</sup>  
 Speaker the Bill entitled A Supplementary Act to the Act entitled An  
 Act for the building of a Parish Church in Christ Church Parish in  
 Calvert County; and the Bill entitled An Act to empower the Justices  
 of Somerset and Worcester Counties to levy on the taxable Inhabi-  
 tants of Stepney Parish in said Counties the Sum of sixty thousand  
 Pounds of Tobacco for the Uses therein mentioned and to establish  
 the Church at Green Hill the Parish Church for said Parish severally  
 indorsed "By the Upper House of Assembly October 28.<sup>th</sup> 1771  
 Read the first & second Time by an especial Order and will pass.

U Scott Cl. Up. Ho"

Which Bills were here read and passed for ingrossing

The Order of the Day for hearing the Matter relative to M.<sup>r</sup> John  
 Frederick Augustus Priggs being read; Ordered, That the same be  
 heard at the Bar of this House at three O'Clock this Afternoon.

George Steuart Esq from the Upper House delivers to M.<sup>r</sup> Speaker  
 a Petition of Elizabeth Williams of Baltimore County praying that  
 an Act may pass to empower her to make Conveyances of sundry  
 Tracts of Land in the said Petition mentioned, which her Husband,  
 George Williams, in his Life-Time, contracted for, in Order that  
 she might thereby be enabled to pay the Debts of the said George  
 Williams, and the several Legacies bequeathed by him to his Children

Which was read and referred to the Consideration of a Committee;  
 and that they do examine the Matter thereof and report the same as  
 it shall appear to them to the House. And M.<sup>r</sup> Rumsey, M.<sup>r</sup> Paca, and  
 M.<sup>r</sup> Thomas Wright are appointed a Committee accordingly; and  
 they have Power to send for Persons, Papers and Records.

He also delivered to M.<sup>r</sup> Speaker a Petition of the Rector Vestry-  
 men, Wardens and sundry Inhabitants of All Hallows Parish in



Worcester County praying that an Act may pass enabling the Justices to assess not less than thirty two thousand Pounds of Tobacco on the taxable Inhabitants of that Parish for the erecting and building a Chapel of Ease at or near Johnson's Mill in said Parish. Which was read and granted; and Leave given to bring in a Bill pursuant to the Prayer of the said Petition

L. H. J.  
Liber No. 54  
Oct. 24

Ordered, That M.<sup>r</sup> Allen, M.<sup>r</sup> Chaille, M.<sup>r</sup> Holland and M.<sup>r</sup> Robins do prepare and bring in the same.

M.<sup>r</sup> Tilghman brings in and delivers to M.<sup>r</sup> Speaker the following ingrossed Address

To his Excellency Robert Eden Esquire Governor and Commander in Chief in and over the Province of Maryland.

The humble Address of the House of Delegates

May it please your Excellency,

Upon Consideration of that Part of your Speech which relates to the Criminal Law we do not think a general Revisal thereof necessary; but as your Excellency was pleased to inform the late House of Assembly that you had experienced Inconveniences from Want of Precision upon that Subject, we beg Leave to request your Excellency to point out any particular Defects which have fallen within your Observation; that the Law, where doubtful, and defective, may be aided and made more perfect and plain. p. 219

Which was read and assented to and signed by Order of the House by the Honourable Speaker.

The Bill entitled An Act to aid defective Common Recoveries was read the second Time and the Question was put that the said Bill do pass?

Resolved in the Affirmative

For the Affirmative

Mess. <sup>rs</sup>	Reeder,	Gale,	Paca,
	W. Thomas,	J. Richardson,	Tilghman,
	Johnson,	Moale,	N. Thomas,
	Chase,	Risteau,	T. Wright,
	Grahame,	Deye,	Chaille,
	Parran,	Veazy,	Holland,
	Weems,	Baxter,	Allen,
	Smallwood,	Ward,	Robins.
	Handy,	Rumsey,	[28]
	Dennis,	Hall,	

For the Negative

Mess. <sup>rs</sup>	Gresham,	Tyler,	Luckett,
	Beall,	Contee,	Beatty.

[6]

L. H. J.  
Liber No. 54  
Oct. 24

The Bill entitled An Act for more effectually preventing the buying and selling of Offices and to prevent Simoniack Contracts was read the second Time and will pass. Which Bill and the Bill for imposing a further additional Duty of five Pounds per Poll on all Negroes imported into this Province were sent to the Upper House by M.<sup>r</sup> Paca and M.<sup>r</sup> Johnson

Ordered, That M.<sup>r</sup> Smallwood and M.<sup>r</sup> Weems do acquaint his Excellency that this House hath prepared an Address to be presented to him and desires to know when and where he will be pleased to receive it.

They return and acquaint M.<sup>r</sup> Speaker the Governor signified he would receive the Address in half an Hour in the Lobby of the Council Chamber

Ordered, That M.<sup>r</sup> Chase and M.<sup>r</sup> Tilghman do present the Address to his Excellency. They return and acquaint M.<sup>r</sup> Speaker they delivered the Address

The Bill entitled An Act for licensing Ordinary Keepers Hawkers Pedlars and Petty Chapmen was read the second Time and committed

Benedict Calvert Esq from the Upper House delivers to M.<sup>r</sup> Speaker a Petition of the Trustees for the Poor of Ann Arundel County setting forth that they have according to the Directions of an Act of Assembly made in the Year 1768 entitled An Act for the Relief of the Poor within the several Counties therein mentioned used their utmost Endeavours to purchase Land whereon to build an Alms and Work House for the Poor of said County; but that they have not been able to find any Owners of Land near and convenient to the City of Annapolis willing to dispose of the same for that Purpose. That there hath been collected from the Inhabitants of Ann Arundel County in the Years 1769, 1770 & 1771 the Sum of £1849..7..9½ for the Purpose of erecting an Alms and Work-House in said County. That for several Years by gone the Inhabitants of Ann Arundel County have been burthened with the Support of about 180 Poor. That by the best Computation they have been able to make a convenient House for the Reception of one hundred and thirty poor People beside Vagrants cannot be built and completely finished for less than £3000 without including the Purchase of the Land; and therefore praying the Legislature to afford them such Relief as on Consideration of the Premises they shall think fit

The Order of the Day for taking into Consideration the Matter relative to M.<sup>r</sup> John Frederick Augustus Priggs being read; Ordered, That he be called in and he appeared at the Bar accordingly; and after some Debate thereon the House referred the further Consideration thereof till To-Morrow Morning at the Sitting of the House

The Order for taking into Consideration the Remonstrance of the

Magistrates of Ann Arundel County is further referred till Saturday next

L. H. J.  
Liber No. 54  
Oct. 24

The House adjourns till To-Morrow Morning 9 O'Clock

Friday October 25.<sup>th</sup> 1771

Oct. 25  
p. 220

The House met.

All Members present as on Yesterday.

The Proceedings of Yesterday were read.

M.<sup>r</sup> W. Richardson, M.<sup>r</sup> S. Wright, M.<sup>r</sup> Sim and M.<sup>r</sup> Worthington appeared in the House

The Order of the Day being read; the House resumed the Consideration of the Matter relative to M.<sup>r</sup> John Frederick Augustus Priggs and after some Debate thereon referred the further Consideration thereof till To Morrow Morning

His Excellency communicates to M.<sup>r</sup> Speaker the following Message

Gentlemen,

A Revision of the Criminal Law had been recommended in May Session 1768 to the Assembly then convened by my worthy Predecessor, and at the Opening of a late Session, I also requested your Consideration of the same Subject.

From the Answers given to Colonel Sharpe, and to myself, on those Occasions, as well as from other peculiar Circumstances, I inferred that a general Recommendation would be sufficient; but an Explanation of the Grounds, on which I have pressed you to consider the State of the Penal Law, being now desired, I must observe, that there is not I apprehend, any precise, invariable Rule established, by which the Extent of the Penal Statutes of England may be ascertained; and, therefore, in what Cases Punishment may be regularly inflicted in this Province according to their Prescripts, is a Question, on which various Sentiments may be expected, and in fact, have often occurred. Should the Position be admitted, that such of the Penal Statutes extend hither, as are suitable to the Circumstances of the Country, still what are, or are not thus suitable, may be, in many Instances, on a Consideration of Statutes denouncing even Capital Punishment, in, at least, one hundred and sixty Cases, a very doubtful Question; and which being determinable by the Courts, seems moreover to admit too great Authority in the Judges, and to give too much Scope for Contrariety in the Decisions which a rigorous or compassionate Disposition may influence; for Men's Qualities, when not controuled by fixed and established Provisions, will generally slide into their most deliberate, and best



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formed Opinions. Doubts, at least have been entertained in England, whether the positive Ordinances of the Penal System be suitable to the Circumstances of the Nation; whether, in many Instances not too undistinguishing, and sanguinary; but the Judges have no Authority to reject the Rule enjoined by the Legislature: Such Authority would elevate the judicial Power above it's proper Rank; an Authority the Legislative will hardly ever be so incautious as to confer by Provisions, that such Penal Statutes, and such only shall be carried into Execution, as the Discretion of Judges may adopt; but this seems to be the Result of the Position, or Doctrine, that such Penal Statutes, and such only as suit our Circumstances extend hither. The following among other Instances may sufficiently evince that the Rule of Adoption has not been uniform in respect of the Penal Statutes enacted before the Settlement of this Province.

Notwithstanding the Statutes of Edward sixth, the Act of 1744 was thought to be expedient, one of these Statutes comprehends other Offences, concerning which our local Acts are silent, tho' more alarming, and atrocious, than the stealing or burning a Shallop or Boat of seventeen ffeet Keel

Notwithstanding the Statutes of Elizabeth, the Acts of 1692 & 1715 were enacted, the Statute of James the First has been introduced, by the Act of 1706, it might be very improper to be more explicit, if it be a just Observation "that Crimes are more effectually prevented by the Certainty than by the Severity of Punishment," the Uncertainty in Respect of the Extent and fforce of the Penal Statutes must be extremely inconvenient.

The Feelings of Humanity cannot but be affected, tho' the positive Law be clear, where the Example of extreme Punishment becomes necessary; but when Crimes, however malignant, have been committed against social Rights, and the very Existence of positive Law for their Punishment is doubtful, my Situation must be too obvious to require Explication. Persons convicted on some English Statutes having been discharged with Impunity, because the Extent of those Laws was doubted, I am persuaded that the Principle of the apparent Lenity not being as generally understood, as the Impunity has been observed, the Circumstance has produced a Degree of flattering Reliance that equal Tenderness would be shewn to Offenders convicted on Laws indubitably existent, and operative, and thus the Uncertainty I have taken Notice of, by lessening the Dread of Punishment has proved an insnaring Encouragement to the Commission of Crimes. Having thus briefly suggested on what Motives I recommended to your Attention the State of our Criminal Law, you will be pleased maturely to consider, whether it would not be more safe, prudent, and expedient, after a due Examination of their Propriety and Fitness, to ascertain by Act of Assembly what

Penal Statutes shall have the full force of Laws here, than to leave this important Determination to the varying Construction, Discretion, or Opinions of others.

L. H. J.  
Liber No. 54  
Oct. 25

October 25.<sup>th</sup> 1771

Rob.<sup>t</sup> Eden

Which was read.

William Hayward, Esq.<sup>r</sup> from the Upper House delivers to M.<sup>r</sup> Speaker a Bill entitled An Act for preventing trivial Suits in the Provincial Court indorsed "By the Upper House of Assembly October 25.<sup>th</sup> 1771 Read the first and second Time by an especial Order and will pass.

Signed by Order U Scott Cl. Up. Ho."

Which was read here the first Time and ordered to lie on the Table.

Daniel of Saint Thomas Jenifer Esq.<sup>r</sup> from the Upper House delivers to M.<sup>r</sup> Speaker the Bill entitled An Act for imposing a further additional Duty of five Pounds Current Money, per Poll on all Negroes imported into this Province thus indorsed "By the Upper House of Assembly October 24.<sup>th</sup> 1771 Read the first Time and ordered to lie on the Table Signed by Order U Scott Cl. Up. Ho. By the Upper House of Assembly October 25.<sup>th</sup> 1771 Read the second Time and will pass.

Signed by Order U Scott Cl. Up. Ho."

Which Bill was read here and pass'd for ingrossing.

M.<sup>r</sup> Parran hath Leave of Absence till Monday next.

M.<sup>r</sup> Gresham & M.<sup>r</sup> Reeder have Leave of Absence.

The Order of the Day for the House to resolve itself into a Committee of the whole House to take into further Consideration the Expediency and the Ways and Means of issuing Bills of Credit for the Improvement of the Province and the Advancement of the Trade thereof being read; the House resolved itself into the said Committee accordingly; And after some Time spent therein M.<sup>r</sup> Speaker resumed the Chair; and M.<sup>r</sup> Tilghman, Chairman of the said Committee acquainted M.<sup>r</sup> Speaker, That that Committee had finished their Enquiry, and had come to a Resolution which the Committee had directed him to report to the House; which he read in his Place, and afterwards delivered in at the Table; where the same was read and is as followeth

"Resolved, That it is the Opinion of this Committee that a Sum not exceeding 42,666 $\frac{2}{3}$  Dollars be appropriated out of the Interest arising from the Loans of Bills of Credit for the Establishing a Seminary of Learning within this Province.

Then the Question was put that the House concur therewith?

L. H. J.  
Liber No. 54  
Oct. 25

Resolved in the Affirmative

For the Affirmative

Reeder,	Parran,	Tyler,
W. Thomas	Weems,	Contee,
Worthington,	Smallwood,	Sim,
Johnson,	Harrison,	Hall,
Chase,	Moale,	Paca,
Hammond,	Baxter,	T. Wright,
Mackall,	Rumsey,	Luckett,
Grahame,	Beall,	Beatty.

[24]

For the Negative

Gresham,	Risteau,	So. Wright,
Handy,	Deye,	Earle,
Dennis,	Veazy,	Chaille,
Gale,	Ward,	Holland,
J. Richardson,	Tilghman,	Allen,
W. Richardson,	N. Thomas,	Robins.

[18]

On Motion Ordered, That Leave be given to bring in a Bill for a further Emission of Bills of Credit: And that M.<sup>r</sup> Johnson, M.<sup>r</sup> Paca, M.<sup>r</sup> Dennis, M.<sup>r</sup> Hall, M.<sup>r</sup> Chase, M.<sup>r</sup> Rumsey, M.<sup>r</sup> Handy, M.<sup>r</sup> Hammond, M.<sup>r</sup> Allen, M.<sup>r</sup> Grahame, M.<sup>r</sup> Tilghman and M.<sup>r</sup> Gale do prepare and bring in the same

The House adjourns till To-Morrow Morning 9 O'Clock

Oct. 26

Saturday October 26.<sup>th</sup> 1771

The House met.

All Members present as on Yesterday except M.<sup>r</sup> Parran and M.<sup>r</sup> Reeder.

The Proceedings of Yesterday were read.

M.<sup>r</sup> Allen brings in and delivers to M.<sup>r</sup> Speaker a Bill entitled An Act to impower the Justices of Worcester County to levy on the taxable Inhabitants of All Hallows Parish in said County the Quantity of thirty two thousand Pounds of Tobacco for the Uses therein mentioned. Which was read the first and second Time by an especial Order, passed, and sent to the Upper House by M.<sup>r</sup> Allen and M.<sup>r</sup> Chaille

M.<sup>r</sup> Beall brings in and delivers to M.<sup>r</sup> Speaker a Bill entitled An Act for the Relief of the Sufferers at Bladensburgh Warehouse. Which was read the first Time and ordered a second Reading on Wednesday next.



Daniel Dulany Esq.<sup>r</sup> from the Upper House delivers to M.<sup>r</sup> Speaker, the Bill entitled, An Act to empower the Justices of Worcester County to levy on the taxable Inhabitants of All-Hallows Parish in said County the Quantity of thirty two thousand Pounds of Tobacco for the Uses therein mentioned, indorsed, "By the Upper House of Assembly October 26.<sup>th</sup> 1771 Read the first and second Time by an especial Order and will pass.

L. H. J.  
Liber No. 54  
Oct. 26  
p. 222

Signed by Order U Scott Cl. Up. Ho."

Which Bill was read here and pass'd for ingrossing.

M.<sup>r</sup> Moale brings in and delivers to M.<sup>r</sup> Speaker a Bill entitled An Act to prevent the Exportation of flour, Staves and Shingles not merchantable from the Town of Baltimore or Fell's Point in Baltimore County, and to regulate the Weight of Hay, and Measure of Grain, Salt, Flax-Seed and Fire Wood within the said Town.

M.<sup>r</sup> Contee hath Leave of Absence till Wednesday next, and M.<sup>r</sup> Moale till Monday next

The Order of the Day being read, the House resumed the Consideration of the Matter relative to M.<sup>r</sup> John Frederick Augustus Priggs; and after some Debate thereon the Question was put that M.<sup>r</sup> Priggs be reprimanded and discharged upon Payment of Fees? Resolved in the Affirmative

Ordered, That M.<sup>r</sup> Beall, M.<sup>r</sup> Hall, and M.<sup>r</sup> Paca be a Committee to tax the Fees.

M.<sup>r</sup> Beall brings in and delivers to M.<sup>r</sup> Speaker the following Report

By the Committee appointed to tax the Fees and Allowances on the Complaint of John Hamilton and Benjamin Belt against John Frederick Augustus Priggs Deputy Surveyor of Prince George's County.

Your Committee in Obedience to the Order of the Honourable House have proceeded to tax the said Fees and Allowances as follows Viz.<sup>t</sup>

To the Clerk for issuing two Subpœnas the one against Edward Magruder to testify, the other against the Defendant to appear and answer @ 3/. each.....	}	o.. 6..0
To the Clerk for a Copy of the Report at Request of the Defendant .....		
To the Serjeant for serving the above Subpœnas.....	}	o.. 4..0
To the Serjeant for the Hire of a Man and a Horse to go down to the lower Part of Prince George's 4 Days at 10/. p Day.....		
To the Messenger's Expences and Horse Hire.....	}	o.. 6..0
To John Hamilton for 8 Days Attendance at three different Session Viz. <sup>t</sup> 1769, 1770, 1771 @ 5/.....		

L. H. J. Liber No. 54 Oct. 26	To Itinerant Charges for coming and going 4 Times to Prince George's 12 Days @ 5/.....	}	3.. 0..0
	To Benjamin Belt for 6 Days Attendance at two different Sessions Viz. <sup>t</sup> 1770 & 1771 @ 5/.....		
	To Itinerant Charges for coming and going 3 Times to Prince George's 9 Days @ 5/.....	}	2.. 5..0
	To the Messenger riding two Days to serve Summons on Edward Magruder and two Days Horse Hire and Expenses .....		
			£15..12..0

All which is submitted to the Consideration of the Honourable House

Signed by Order John Courts Jones Cl.

Which was read a second Time and the House concurs therewith  
M.<sup>r</sup> Priggs was then called to the Bar; and M.<sup>r</sup> Speaker reprimanded him according to the Resolution of the House, and acquainted him that he was discharged upon Payment of the Fees agreeable to the above Taxation, which the Officers would give him an Account of

The Serjeant at Arms informing this House that John Frederick Augustus Priggs had refused to pay the Fees and Allowances before taxed, alledging that he ought not to pay them; which being acknowledged by said Priggs himself It is thereupon Ordered that the said John Frederick Augustus Priggs be taken into the Custody of the Serjeant at Arms for a Contempt of the Authority of this House; and till he pay and discharge said fees and Allowances; and that the Speaker issue his Warrant to the Serjeant accordingly; which M.<sup>r</sup> Speaker did in the following Words.

By the Lower House of Assembly 26.<sup>th</sup> October 1771

Whereas John Frederick Augustus Priggs is guilty of a Contempt of the Authority of this House in refusing to pay the Fees taxed against him pursuant to the Order of this House: You are therefore hereby authorized and required to take into your Custody the Body of the said John Frederick Augustus Priggs for the Contempt aforesaid and him for the same Contempt in your Custody safe keep until he be discharged therefrom by Order of this House. And for your so doing this shall be your sufficient Warrant

Signed by Order of the House

E Tilghman Speaker

To the Serjeant at Arms  
attending the Lower House  
of Assembly.

p. 223 The House being informed that M.<sup>r</sup> Arnold Elzey Deputy Surveyor of Somerset County was attending at the Door in Obedience

to the Order of this House of the 10.<sup>th</sup> Instant: Ordered, That he be called in, and he appeared accordingly. The House having heard what M.<sup>r</sup> Elzey had to say, discharged him without Payment of fees.

L. H. J.  
Liber No. 54  
Oct. 26

The Order of the Day for taking into Consideration the Representation of the Justices of Ann Arundel County relative to the publick Goal being read; Ordered, That the same be referred to Thursday next

The House adjourns till Monday Morning 9 O'Clock

Monday October 28.<sup>th</sup> 1771

Oct. 28

The House met.

All Members present as on Saturday except M.<sup>r</sup> Gresham and M.<sup>r</sup> Hammond.

The Proceedings of Saturday were read.

M.<sup>r</sup> Wootton appeared in the House.

The Bill entitled An Act to prevent the Exportation of Flour, Staves and Shingles not merchantable from the Town of Baltimore or Fell's Point in Baltimore County and to regulate the Weight of Hay and Measure of Grain, Salt, Flax-Seed, and Fire Wood, within the said Town was read the first Time and ordered to lie on the Table

M.<sup>r</sup> Smallwood brings in and delivers to M.<sup>r</sup> Speaker a Bill entitled An Act to remedy divers Defects in the Records of Charles County. Which was read the first Time and ordered to lie on the Table

A Bill entitled An Act for confirming to Samuel Cookson of Baltimore County sundry Lands therein mentioned was read the first Time and ordered to lie on the Table

The Bill entitled An Act to enable the Commissioners for emitting Bills of Credit to pay to John Duckett, William Mills, John Peacock, and Ann Gaither the Sums of Money therein mentioned read the first and second Time by an especial Order and will pass

The House adjourns till To-Morrow Morning 9 O'Clock

Tuesday October 29.<sup>th</sup> 1771

Oct. 29

The House met.

All Members present as on Yesterday.

The Proceedings of Yesterday were read.

M.<sup>r</sup> Jordan and M.<sup>r</sup> Weems appeared in the House

The House being informed that M.<sup>r</sup> John Adams a Delegate returned for Somerset County was attending at the Door; Ordered, That M.<sup>r</sup> Dennis and M.<sup>r</sup> Handy do go with that Gentleman to the Upper House to see him qualified. They return and acquaint M.<sup>r</sup>



L. H. J. Speaker [they] saw him qualified in the usual Manner. The Gentle-  
 Liber No. 54 man took his Seat in the House  
 Oct. 29

The Order of the Day for taking into Consideration the Report of the Committee of Grievances of the 19.<sup>th</sup> of November last being read; Ordered, That the said Report be read; and it was read accordingly.

Ordered, That the several Papers annexed to the said Report be read; and they were read accordingly

Ordered, That the same be referred for consideration till next Session of Assembly.

The Bill entitled An Act for preventing trivial Suits in the Provincial Court was read a second Time and the Question was put That Amendments be proposed to the Upper House? Resolved in the Negative

For the Negative

W. Thomas,	W Richardson,	N. Thomas,
Jordan,	Veazy,	T. Wright,
Worthington,	Baxter,	So. Wright,
Mackall,	Ward,	Chaille,
Weems,	Rumsey,	Holland,
Harrison,	Beall,	Allen,
Handy,	Tyler,	Robins,
Dennis,	Sim,	Luckett,
Gale,	Hall,	Wootton.
J. Richardson,	Tilghman,	

[29]

For the Affirmative

Johnson,	Adams,	Paca,
Chase,	Moale,	Earle,
Grahame,	Risteau,	Beatty.
Smallwood,	Deye,	

[11]

The Bill was then put to its Passage and will pass and was sent to the Upper House by M.<sup>r</sup> Worthington and M.<sup>r</sup> Allen.

M.<sup>r</sup> Smallwood brings in and delivers to M.<sup>r</sup> Speaker the following Report

p. 224 By the Committee appointed to enquire into the Facts set forth in the Petition of Thomas Colvill's Executors and John Semple

Your Committee in Obedience to the Order of this Honble House have enquired into the Facts set forth in the said Petition and do find that John Colvill of Fairfax County in Virginia being possessed of a Tract of Land in Frederick County in this Province called Merryland containing six thousand three hundred Acres made his last Will and Testament bearing Date the sixth Day of May 1755

and by his said Will impowered his Brother Thomas Colville [one of his Executors to sell the said Tract of Land to pay his Debts. That the said Thomas Colvill] after the Death of the said John Colvill did [by Virtue of the said Power given to him by the Will of the said John Colvill] for and in Consideration of £2500 Sterling Money Bargain and sell the said Land to John Semple and passed his Bond for the Conveyance of the same in the Penal Sum of five thousand Pounds Sterling Money. That the said John Semple passed his Bond to the said Thomas Colvill in an equal Penalty for his entring into ffresh Bond with good and sufficient Security for the Payment of Two thousand five hundred Pounds Sterling Money the Consideration Money aforesaid. That the said Thomas Colvill afterwards died without having received the said Consideration Money or executed the Conveyance of the said Land to the said John Semple and by his last Will and Testament appointed Frances Colvill his Wife, George Washington Esq.<sup>r</sup> and John West jun.<sup>r</sup> Executors of the said Will. That the said John Colvill died considerably in Debt and that the said Thomas Colvill sold the Land aforesaid in Pursuance of the Power given by the Will of the said John Colvill. All which is humbly submitted to the Consideration of this House

L. H. J.  
Liber No. 54  
Oct. 29

Signed by Order John Courts Jones Cl

Which was read

[*Editor's Note. That the committee report was not correctly copied, see the terms of act as finally passed on p. 293.*]

Ordered, That the Petition of Frances Colvill and others be read; and it was read accordingly and Leave given to the Petitioners to bring in a Bill pursuant to the Prayer of the said Petition

Daniel of Saint Thomas Jenifer Esq from the Upper House delivers to M.<sup>r</sup> Speaker the Petitions of sundry languishing Prisoners in the several Jails therein mentioned Which were read the first Time and ordered to lie on the Table

A Petition of Joseph Hobbs of Ann Arundel County setting forth that for the Term of 16 or 18 Years past he had a free and undeniable Road leading from his House to a Chapel called Poplar Spring Chapel and which Road he has always made Use of as a Chapel and Church Road, a Mill Road, and a Market Road. That some Time last Spring one Levin Lawrence deprived him of Access through said Road by staking up the Gates thereon and forewarning him coming that Way after. That since that Time he has been obliged to make Use of a Road to go to the abovementioned Places which is near or quite unpassable at Times, and about a Mile further in three Miles than usual which he finds extremely inconvenient to him. That there does not more than two hundred Yards of the said

L. H. J. Road run through the Land of the said Levin Lawrence. Which  
 Liber No. 54 two hundred Yards the Petitioner hath always kept in Repair and  
 Oct. 29 still is willing to continue so to do provided the House will empower  
 him to keep the said Road open. And a Petition of the Trustees of  
 the Poor in Frederick County setting forth that by the Power  
 invested them by the Act of Assembly for the Relief of the Poor in  
 the several Counties therein mentioned they did purchase Ground  
 whereon were erected sundry Buildings which they apprehended  
 would have answered the Purposes intended by the said Act That  
 after the said Purchase having Conveniencies for the Reception of  
 the Poor they were in doubt whether the Law entitled the Trustees to  
 admit them until three Years expired and applied to the then Mem-  
 bers for the said County for an Act that the Poor might be received  
 immediately. That in Consequence of such Application a Supple-  
 mentary Law passed last Sessions and the Poor and sundry Vagrants  
 were received; but the Sessions breaking up late the Law could not  
 by the Trustees be procured; by which Means nothing was levied  
 for the Support of the Poor. That since the House has been opened  
 and the Poor received the Buildings are found inadequate to the  
 conveniencies necessary for the Poor of each Sex. That they thought  
 it expedient to erect a large Building with suitable Conveniencies  
 which they contracted for under the Sanction of the first Law, that  
 lessening the Taxation of the Supplementary Law and not having a  
 Copy of the Bill to support the Magistrates levying the Tax they are  
 likely to suffer, and therefore praying the House that an Act may  
 pass to levy on the Inhabitants the Proceeding Year a double Tax to  
 enable them to comply with their Contract to the Workmen were  
 severally read the first Time and ordered to lie on the Table

p. 225 The Petition of the Vestry and Church Wardens of Saint Luke's  
 Parish in Queen Anne's County was read a second Time and referred  
 for Consideration on Thursday next

Ordered, That M.<sup>r</sup> Hall, M.<sup>r</sup> S. Wright, M.<sup>r</sup> Tyler, M.<sup>r</sup> Dennis  
 and M.<sup>r</sup> Handy be added to the Committee appointed to enquire into  
 the Facts set forth in the Petition of Robert Horner, and the counter  
 Petition thereto; and that M.<sup>r</sup> Johnson and M.<sup>r</sup> Grahame be dis-  
 charged therefrom

The House adjourns till To-Morrow Morning 9 O'Clock

Oct. 30

Wednesday October 30.<sup>th</sup> 1771

The House met.

All Members present as on Yesterday.

The Proceedings of Yesterday were read.

M.<sup>r</sup> Hammond, M.<sup>r</sup> Parran, M.<sup>r</sup> Gresham, M.<sup>r</sup> Chamberlaine, M.<sup>r</sup>  
 Contee and M.<sup>r</sup> Ennalls appeared in the House.



The House being informed that M.<sup>r</sup> Robert Buchanan, a Delegate returned for Kent County was attending at the Door; Ordered, That M.<sup>r</sup> Gresham and M.<sup>r</sup> Rumsey do go with that Gentleman to the Upper House to see him qualified. They return and acquaint M.<sup>r</sup> Speaker they saw him qualified in the usual Manner. The Gentleman took his Seat in the House.

L. H. J.  
Liber No. 54  
Oct. 30

The Petition of Ambrose Lawrence read a second Time and rejected

On Motion, Ordered, That Leave be given to bring in a Bill for the Security of Purchasers and others being Protestants claiming by or from Aliens; and that M.<sup>r</sup> Wootton, M.<sup>r</sup> Deye and M.<sup>r</sup> Hammond do prepare and bring in the same.

The Bill entitled An Act to prevent the Exportation of Flour, Staves and Shingles not merchantable from the Town of Baltimore, or Fell's Point in Baltimore County and to regulate the Weight of Hay and Measure of Grain, Salt, Flax Seed and Fire Wood within the said Town read a second Time and committed

William Hayward Esq from the Upper House delivers to M.<sup>r</sup> Speaker a Petition of the Inhabitants of Saint Paul's Parish in Baltimore County setting forth that the Church at Baltimore Town in the said Parish is so very small that it is entirely unfit to accomodate the Parishioners in Time of Divine Service and is very ancient and decayed which renders it not worth repairing; and therefore praying, An Act of Assembly empowering and requiring the Justices of Baltimore County Court to levy on the taxable Inhabitants of the said Parish by two equal Assessments a Sum not exceeding three hundred and twenty thousand Pounds of Tobacco to be paid to the Vestrymen of the said Parish and by them applied towards building a new Church at Baltimore Town aforesaid. Which was read the first Time and ordered to lie on the Table.

William Fitzhugh Esq from the Upper House delivers to M.<sup>r</sup> Speaker the following Message

By the Upper House of Assembly October 30.<sup>th</sup> 1771  
Gentlemen

Upon Consideration of the Bill entitled "An Act for amending the Staple of Tobacco for preventing ffrauds in his Majesty's Customs and for the Limitation of Officers ffees" we find many Parts of it of such a Nature, as cannot, with any Reason or Justice, be passed as they now stand; but as the Welfare and Prosperity of the Province depend so much on the Success of this Bill, we desire a Conference with your House, upon the Subject Matter thereof.

Signed by Order U Scott Cl. Up. Ho.

Which was read.

On a second reading the Bill for Tryal of all Matters of ffact in the several Counties where they have arisen or shall arise, the Question

L. H. J. was put That the Part of the said Bill empowering the Provincial  
 Liber No. 54 Court to order Venires to the Sheriff of Ann Arundel County for the  
 Oct. 30 Tryal of Causes at Bar be altered? Resolved in the Negative

## For the Negative

Mess. <sup>rs</sup>	W. Thomas,	W. Richardson,	T. Wright,
	Gresham,	Veazy,	S. Wright,
	Buchanan,	Baxter,	Earle,
	Handy,	Ward,	Chaille,
	Dennis,	Rumsey,	Holland,
	Gale,	Tilghman,	Allen,
	Adams,	N. Thomas,	Robins.
	J. Richardson,	Chamberlaine,	[23]

## For the Affirmative

Mess. <sup>rs</sup>	Jordan,	Weems,	Sim,
	Worthington,	Smallwood,	Hall,
	Johnson,	Harrison,	Paca,
	Chase,	Moale,	Luckett,
	Hammond,	Risteau,	Wootton,
	Mackall,	Deye,	Beatty.
	Grahame,	Beall,	[22]
	Parran,	Tyler,	

The Bill was then read throughout and put to the Passage and [upon] a Division of the House it was carried in the Affirmative.

p. 226 On reading a second Time the Message of this Day from the Upper House by William Fitzhugh Esq the Question was put that the following Question Viz.<sup>t</sup> “That this House agreeing with the Upper House in their Sentiment of the great Utility of the Bill for amending the Staple of Tobacco for preventing Frauds in his Majesty’s Customs and for the Limitation of Officers Fees do agree to a Conference thereupon” be now put? Resolved in the Affirmative

## For the Affirmative

Mess. <sup>rs</sup>	W. Thomas,	Dennis,	N. Thomas
	Jordan,	Gale,	T. Wright,
	Gresham,	Adams,	S. Wright,
	Buchanan,	J. Richardson,	Chaille,
	Hammond,	W. Richardson,	Holland,
	Mackall,	Ward,	Allen,
	Grahame,	Baxter,	Robins,
	Parran,	Veazy,	Ennalls.
	Weems,	Rumsey,	[28]
	Handy,	Hall,	

## For the Negative

L. H. J.  
Liber No. 54  
Oct. 30

Mess. <sup>rs</sup>	Worthington,	Deye,	Chamberlaine,	[19]
	Johnson,	Beall,	Earle,	
	Chase,	Tyler,	Luckett,	
	Smallwood,	Contee,	Wootton,	
	Harrison,	Sim,	Beatty.	
	Moale,	Paca,		
	Risteau,	Tilghman,		

Then the Question was put that this House agreeing with the Upper House in their Sentiment of the great Utility of the Bill "for amending the Staple of Tobacco for preventing Frauds in his Majesty's Customs and for the Limitation of Officers fees" do agree to a Conference thereupon? Resolved in the Affirmative

## For the Affirmative

Mess. <sup>rs</sup>	W. Thomas,	Handy,	Rumsey,	[28]
	Jordan,	Dennis,	Hall,	
	Gresham,	Gale,	N. Thomas,	
	Buchanan,	Adams,	T. Wright,	
	Hammond,	J. Richardson,	So. Wright,	
	Mackall,	W. Richardson,	Chaille,	
	Grahame,	Ennalls,	Holland,	
	Parran,	Veazy,	Allen,	
	Weems,	Baxter,	Robins.	
		Ward,		

## For the Negative

Mess. <sup>rs</sup>	Worthington,	Deye,	Chamberlaine,	[19]
	Johnson,	Beall,	Earle,	
	Chase,	Tyler,	Luckett,	
	Smallwood,	Contee,	Wootton,	
	Harrison,	Sim,	Beatty.	
	Risteau,	Paca,		
	Moale,	Tilghman,		

Ordered, That M.<sup>r</sup> Hall, M.<sup>r</sup> Hammond, M.<sup>r</sup> Grahame, M.<sup>r</sup> Dennis, M.<sup>r</sup> S. Wright, M.<sup>r</sup> N. Thomas and M.<sup>r</sup> Allen do prepare and bring in a Message to the Upper House in Answer to their Message of this Day by William Fitzhugh Esq.

The Order of the Day for reading a second Time the Bill for the Relief of the Sufferers at Bladensburgh Ware House is referred till To-Morrow Morning

The House adjourns till To-Morrow Morning 9 O'Clock



L. H. J.  
Liber No. 54  
Oct. 31

Thursday October 31.<sup>st</sup> 1771

The House met.

All Members present as on Yesterday.

The Proceedings of Yesterday were read

The Petition of the subscribing Inhabitants in and near the Town of Bladensburgh in Prince George's County was read a second Time. Ordered, That the said Petition be referred to the Consideration of a Committee and that they do examine the Matter thereof and report the same as it shall appear to them to the House; and M.<sup>r</sup> Beall, M.<sup>r</sup> Tyler and M.<sup>r</sup> Johnson are appointed a Committee accordingly and they have Power to send for Persons, Papers and Records

M.<sup>r</sup> Luckett brings in and delivers to M.<sup>r</sup> Speaker a Bill entitled An Act to prevent the Exportation of Flour not merchantable from George Town in Frederick County Which was read the first Time and ordered to lie on the Table

The Bill entitled An Act for the Trial of all Matters of Fact in the several Counties where they have arisen or shall arise sent to the Upper House by M.<sup>r</sup> Allen and M.<sup>r</sup> N. Thomas

The following Message

By the Lower House of Assembly October 31.<sup>st</sup> 1771  
May it please your Honours,

In Answer to your Message of Yesterday by William Fitzhugh Esq this House esteeming the Bill entitled An Act for amending the Staple of Tobacco for preventing ffrauds in his Majesty's Customs and for the Limitation of Officers ffees liable to no Objection; but joining in Sentiment with your Honours of the great Utility of that Bill and that the welfare and Prosperity of the Province depend much on the Success thereof, have agreed to a Conference thereupon: and in Order thereto have appointed M.<sup>r</sup> Grahame, M.<sup>r</sup> Tilghman, M.<sup>r</sup> Johnson, M.<sup>r</sup> Hall, M.<sup>r</sup> Chase, M.<sup>r</sup> Hammond and M.<sup>r</sup> Dennis as Conferees from this House to join any Members your House shall appoint for that Purpose

Signed by Order Jn.<sup>o</sup> Duckett Cl. Lo. Ho.

p. 227 being prepared, was sent to the Upper House by M.<sup>r</sup> Hall and M.<sup>r</sup> Handy

The Bill entitled An Act to remedy divers Defects in the Records of Charles County was read a second Time, passed, and sent to the Upper House by M.<sup>r</sup> Smallwood and M.<sup>r</sup> Harrison

On Motion, Ordered, That Leave be given to bring in a Bill for the Publication of the Laws of this Province and for the Encouragement of Ann Catharine Green of the City of Annapolis Printer and that M.<sup>r</sup> Grahame, M.<sup>r</sup> N. Thomas, M.<sup>r</sup> Hall and M.<sup>r</sup> Allen do prepare and bring in the same

The Bill entitled An Act for the Relief of the Sufferers at Bladensburgh Warehouse was read a second Time and the Question was put that the said Bill be now put to its Passage? Resolved in the Negative

L. H. J.  
Liber No. 54  
Oct. 31

The Order of the Day for taking into Consideration the Remonstrance of the Justices of Ann Arundel County being read; the same is referred till To-Morrow

The House adjourns till To-Morrow Morning 9 O'Clock

Friday November 1.<sup>st</sup> 1771

Nov. 1

The House met.

All Members present as on Yesterday.

The Proceedings of Yesterday were read

The Bill, entitled An Act to prevent the Exportation of Flour not merchantable from George Town in Frederick County read a second Time, passed, and sent to the Upper House by M.<sup>r</sup> Wootton and M.<sup>r</sup> Lockett

The Bill, entitled, An Act to prevent the Exportation of flour Staves &<sup>ta</sup> from Baltimore Town or Fell's Point, read with the Amendments for which it had been committed, passed, and sent to the Upper House by M.<sup>r</sup> Moale and M.<sup>r</sup> Risteau

The Petition of Doctor Thomas Hamilton of Prince George's County which was referred from last to this Session read and rejected.

M.<sup>r</sup> Reeder appeared in the House

John Ridout Esq.<sup>r</sup> from the Upper House delivers to M.<sup>r</sup> Speaker an ingrossed Bill entitled An Act for preventing trivial Suits in the Provincial Court thus indorsed. "By the Upper House of Assembly Nov.<sup>r</sup> 1.<sup>st</sup> 1771 Read and assented to

Signed by Order U Scott Cl. Up. Ho."

Which was read here and assented to.

Daniel of Saint Thomas Jenifer Esq.<sup>r</sup> from the Upper House delivers to M.<sup>r</sup> Speaker the Petitioners [*sic*] of sundry languishing Prisoners in the several County Jails therein mentioned with a List of their Names Which List was thus indorsed "By the Upper House of Assembly Nov.<sup>r</sup> 1.<sup>st</sup> 1771 Read the Petitions of which this is a List and referred the same to the Consideration of the Lower House of Assembly

Signed by Order U Scott Cl Up. Ho."

And a Petition of Samuel Litton. Which was read

Ordered, That the same be referred to the Consideration of a Committee and that they do examine the Matter thereof and report the same as it shall appear to them to the House; And M.<sup>r</sup> Allen,

L. H. J. M.<sup>r</sup> Paca, M.<sup>r</sup> Moale, M.<sup>r</sup> Deye, M.<sup>r</sup> Risteau and M.<sup>r</sup> Mackall are  
 Liber No. 54 appointed a Committee accordingly and they have Power to send  
 Nov. 1 for Persons Papers and Records

William Hayward Esq.<sup>r</sup> from the Upper House delivers to M.<sup>r</sup>  
 Speaker the following Message

By the Upper House of Assembly Nov.<sup>r</sup> 1.<sup>st</sup> 1771

Gentlemen,

This House hath appointed the Honourable Benedict Calvert,  
 Daniel Dulany, John Ridout, John Beale Bordley and William  
 Hayward Esq.<sup>rs</sup> to join the Members named by your House in a  
 Conference as agreed to in your Message of Yesterday, by Mess.<sup>rs</sup>  
 Hall and Handy

Signed by Order U Scott Cl. Up. Ho.

On a second reading the Petitions of sundry languishing Prisoners  
 in the several Jails therein mention'd Ordered, That M.<sup>r</sup> Beall, M.<sup>r</sup>  
 Grahame, and M.<sup>r</sup> Mackall do prepare and bring in a Bill for the  
 Relief of certain languishing Prisoners in the several Jails therein  
 mentioned

The Bill entitled An Act for confirming to Samuel Cookson of  
 Baltimore County sundry Lands therein mentioned read a second  
 Time, passed, and sent to the Upper House by M.<sup>r</sup> Deye and M.<sup>r</sup>  
 Moale

The Order of the Day for taking into Consideration the Remon-  
 strance of the Justices of Ann Arundel County being read the same  
 is referred till To Morrow

Ordered, That an Hearing on the Petition of Nathaniel Giles be  
 heard at the Bar of this House on Tuesday the 12.<sup>th</sup> Instant and that  
 the Parties have Summons's for all such Evidences they may apply  
 to the Clerk of this House for.

The House adjourns till To Morrow Morning 9 O'Clock

Nov. 2  
 p. 228

Saturday November 2.<sup>d</sup> 1771

The House met.

All Members present as on Yesterday except M.<sup>r</sup> Gresham.

The Proceedings of Yesterday were read

M.<sup>r</sup> N. Thomas brings in and delivers to M.<sup>r</sup> Speaker a Bill entitled  
 An Act for the speedy and effectual Publication of the Laws of this  
 Province and for the Encouragement of Ann Catharine Green of  
 the City of Annapolis Printer. Which was read the first Time and  
 ordered to lie on the Table

Ordered, That the Order of the Day for taking into Consideration  
 the Remonstrance of the Justices of Ann Arundel County be read;



and it was read accordingly. Ordered, That the Remonstrance be read and it was read accordingly. Upon reading whereof the Question was put, That this House will allow a reasonable Part of the Expence of building a new Prison for the Use of the Public, and Ann Arundel County, and burthen Ann Arundel County with the Residue?

L. H. J.  
Liber No. 54  
Nov. 2

Resolved in the Affirmative

For the Affirmative

Mess. <sup>rs</sup>	W. Thomas,	Handy,	Tyler,	
	Jordan,	Dennis,	Contee,	
	Buchanan,	Gale,	Sim,	
	Worthington,	J. Richardson,	Hall,	
	Johnson,	W. Richardson,	Paca,	
	Chase,	Ennalls,	Tilghman,	
	Hammond,	Moale,	N. Thomas,	
	Mackall,	Risteau,	Chamberlaine,	
	Grahame,	Veazy,	So. Wright,	
	Parran,	Baxter,	Earle,	
	Smallwood,	Rumsey,	Wootton,	
	Harrison,	Beall,	Beatty.	[36]

For the Negative

Mess. <sup>rs</sup>	Reeder,	T. Wright,	Robins,	
	Weems,	Chaille,	Luckett.	
	Adams,	Holland,		[10]
	Ward,	Allen,		

The Question was put that this Province will allow one fourth Part of the Expence of building a new Prison for the Use of the Public, and Ann Arundel County, and burthen the said County with the Residue?

Resolved in the Affirmative

For the Affirmative

Mess. <sup>rs</sup>	Reeder,	W Richardson,	So. Wright,	
	W. Thomas,	Ennalls,	Earle,	
	Buchanan,	Risteau,	Chaille,	
	Parran,	Veazy,	Holland,	
	Harrison,	Ward,	Allen,	
	Handy,	Tyler,	Robins,	
	Dennis,	Tilghman,	Luckett,	
	Gale,	Chamberlaine,	Wootton,	
	Adams,	T. Wright,	Beatty.	[27]

L. H. J.  
Liber No. 54  
Nov. 2

For the Negative

Mess. <sup>rs</sup>	Jordan,	Grahame,	Contee,
	Worthington,	J. Richardson,	Sim,
	Johnson,	Moale,	Hall,
	Chase,	Baxter,	Paca,
	Hammond,	Rumsey,	N. Thomas.
	Mackall,	Beall,	

[17]

Ordered, That the Petition of Gilbert Barrow be heard at the Bar of this House on Monday the 11.<sup>th</sup> Instant; and that the Wife of the said Gilbert Barrow be served with a Copy of the said Petition, and of this Order, by Tuesday next at farthest.

Ordered, That the Parties, upon their Application to the Clerk of this House, have Summonses for such Witnesses they may think necessary.

William Hayward Esq.<sup>r</sup> from the Upper House delivers to M.<sup>r</sup> Speaker a Petition of sundry subscribing Protestant Dissenters in Saint Paul's Parish in Baltimore County setting forth that the Vestrymen and sundry Inhabitants of the said Parish had petitioned the Legislature and set forth "that the Church of the said Parish is old, incommodious, and too small, and had prayed that a Law might pass to enable the Justices of said County to levy a very large Quantity of Tobacco upon the Inhabitants of the said Parish to build a new One." That they were fully sensible of the Want of a larger Church in Baltimore Town; but as they were constrained from conscientious Motives to conform to the established Church prayed the House to exempt them from the Payment of any Tax whatsoever for building the said Church and also to hear them by their Counsel in Support of their Petition. Which was read. And the Question was put that the said Petition be rejected? Resolved in the Affirmative

For the Affirmative

p. 229 Mess. <sup>rs</sup>	Reeder,	Adams,	Tilghman,
	W. Thomas,	J. Richardson,	N. Thomas,
	Jordan,	W. Richardson,	Chamberlaine,
	Buchanan,	Ennalls,	T. Wright,
	Worthington,	Moale,	So. Wright,
	Johnson,	Risteau,	Earle,
	Chase,	Veazy,	Chaille,
	Hammond,	Baxter,	Holland,
	Grahame,	Ward,	Allen,
	Parran,	Rumsey,	Robins,
	Harrison,	Beall,	Luckett,
	Handy,	Tyler,	Wootton,
	Dennis,	Hall,	Beatty.
	Gale,	Paca,	

[41]

For the Negative

M.<sup>r</sup> DeyeL. H. J.  
Liber No. 54  
Nov. 2

[1]

William Hayward Esq.<sup>r</sup> also delivered to Mr. Speaker a Petition of Christian Strowder setting forth that he has at a great Expence and Trouble erected a Dam for a Grist and Saw-Mill across Monococy River: That since the Doing whereof he finds that an Act of Assembly passed in the Year 1768 "for preventing the Erecting of Fish Wares, Fishing Dams, and other Erections which might obstruct the Water Carriage in the said River;" and setting forth that the said Law was entirely unknown to him at the Time he erected his said Dam; and therefore praying that for as much as he is willing at his own Expence to alter his Dam in such Manner as to let up and down any Vessel or Water Carriage which may be used in said River for the Transportation of Iron, Wheat, or any Thing else, that a Law may pass for his Relief so as to save him and his Family from immediate Ruin. Which was read the first Time and ordered to lie on the Table

On Motion, M.<sup>r</sup> Rumsey, M.<sup>r</sup> Johnson, M.<sup>r</sup> Deye, M.<sup>r</sup> Paca, M.<sup>r</sup> Wootton and M.<sup>r</sup> Risteau are appointed a Committee to enquire into the Expenditure of the Monies granted for building a Court House and Prison in the Town of Baltimore in Baltimore County, and report the same to the House

On Motion, Ordered, That Leave be given to bring in a Bill for the Division of Prince George's Parish in Frederick County; and that M.<sup>r</sup> Wootton, M.<sup>r</sup> Deye, M.<sup>r</sup> Mackall, M.<sup>r</sup> Luckett and M.<sup>r</sup> Beatty do prepare and bring in the same.

M.<sup>r</sup> Beall and M.<sup>r</sup> T. Wright have Leave of Absence

M.<sup>r</sup> Risteau and M.<sup>r</sup> Moale have Leave of Absence till Monday next

The House adjourns till Monday Morning 9 O'Clock

Monday November 4.<sup>th</sup> 1771

Nov. 4

The House met.

All Members present as on Saturday except M.<sup>r</sup> Beall, M.<sup>r</sup> Sim and M.<sup>r</sup> Thomas Wright

The Proceedings of Saturday were read.

M.<sup>r</sup> Gresham appeared in the House

On Motion, M.<sup>r</sup> Allen, M.<sup>r</sup> J. Richardson, M.<sup>r</sup> W. Richardson, and M.<sup>r</sup> Paca are appointed a Committee to enquire into the Facts set forth in the Petition of Charles Dickinson and others, and report the same to the House.



L. H. J.      The Petition of the Trustees of the Poor of Frederick County  
Liber No. 54      was read a second Time and granted.  
Nov. 4

Leave given to bring in a Bill pursuant to the Prayer of the said Petition

Ordered, That M.<sup>r</sup> Luckett, M.<sup>r</sup> Wootton, and M.<sup>r</sup> Mackall do prepare and bring in the same

On Motion, Ordered, That Leave be given to bring in a Bill to prohibit raising Swine and Geese in George Town in Frederick County; and that M.<sup>r</sup> Luckett, M.<sup>r</sup> Beatty, M.<sup>r</sup> Wootton, and M.<sup>r</sup> Mackall do prepare and bring in the same.

M.<sup>r</sup> James Hackman, at his own Request, is discharged from any further Attendance as a Committee Clerk

The Bill entitled An Act to empower the Commissioners for emitting Bills of Credit to pay to John Duckett Williams Mills, John Peacock and Ann Gaither the Sums of Money therein mentioned.

And the Paper Bill Entitled An Act for preventing trivial Suits in the Provincial Court was sent to the Upper House by M.<sup>r</sup> Worthington and M.<sup>r</sup> Deye.

M.<sup>r</sup> Grahame, One of the Conferees appointed by this House acquaints M.<sup>r</sup> Speaker that the Conferrees of both Houses had met, and that the Conferrees of the Upper House had delivered to the Conferrees of this House the following Propositions.

p. 230      The Bonds of Inspectors to be put in Suit as heretofore; Probate of the Execution of the Bond to be recorded with the Bond.

If Inspector rechosen neglect to give Notice such Neglect to be considered as an actual Refusal.

The Inspection to be closed at the Time fixed by the late Inspection Act

Inspectors Notes to be paid to the Owner of the Tobacco or the Bearer

The Penalties to be in similar Cases, as in the late Act, and so Prosecutions and Mode of Recovery.

Tobacco inspected under private Agreement not to be a good Tender and to be exported in a limited Time.

The Sale of Tobacco to be in open Court.

The Allowance on Receipts to be explained so as clearly to relate to cropped Tobacco only.

The clerks of the County Courts not to be obliged to any Attendance but in Court, and in their Offices, and to be paid for their Services whether there shall be any profits or not.

Magistrates to be paid for their Attendance on all Occasions.

Judgments on Bonds to be entered up as the Use or Practice hath been.

The Party against whom any Judgment shall pass and who shall therein be liable to Costs to pay what the other Party shall have paid or shall be liable to pay.

L. H. J.  
Liber No. 54  
Nov. 4

Gold and Silver to be under a similar Regulation to that of the last Paper Money Act.

The Fees of Officers and Lawyers to be regulated as they were by the last Inspection Law, saving that all Persons may discharge them by the 10.<sup>th</sup> of April yearly in Gold and Silver according to the Regulation thereof and if not so discharged in Money then Tobacco (if the Person charged be a Maker thereof) to be paid.

Execution and Time of Payment by the Sheriffs to be as provided by the said late Act.

The Clergy to be left out of the Bill in all Respects.

Provision to be made for the Payment of Fees now due.

John Beale Bordley Esq.<sup>r</sup> from the Upper House delivers to M.<sup>r</sup> Speaker a Petition of sundry Inhabitants of Baltimore Town.

On Motion, Ordered, That the Propositions from the Conferrees of the Upper House be now taken into Consideration.

On a second reading [of] the said Propositions the House came to the following Resolutions

Part of the first Proposition "that the Bonds of Inspectors be put in Suit as heretofore" Rejected.

The latter Part of the said Proposition "that Probat of the Execution of the Bond be recorded with the Bond;" Agreed.

The 2.<sup>nd</sup> Proposition "that if Inspectors rechosen neglect to give Notice such Neglect be considered as an actual Refusal." Rejected.

The 3.<sup>d</sup> Proposition "that the Inspection be closed at the Time fixed by the late Inspection Act" Rejected.

The 4.<sup>th</sup> Proposition "that Inspectors Notes be payable to the Owner or Bearer." Agreed.

The 5.<sup>th</sup> Proposition "that Penalties be in similar Cases as in the late Act, and so Prosecutions and Mode of Recovery" Rejected.

The 6.<sup>th</sup> Proposition "that Tobacco inspected under private Agreement be not a good Tender and to be exported in a limited Time." Agreed.

The 7.<sup>th</sup> Proposition "That the Sale of Tobacco be in open Court" Agreed.

The 8 Proposition about Allowance on Receipts. Agreed

The 9.<sup>th</sup> & 10.<sup>th</sup> Propositions relative to the Clerk of the County and Magistrates. Agreed.

The 11.<sup>th</sup> Proposition "That Judgments on Bonds be entered up as the Use or Practice hath been"; wants Explanation. We take the Usage to be agreeable to our Clause, that Judgments on Bonds are

L. H. J. entered in the Courts of Justice. Penalty released on Payment of  
 Liber No. 54 Principal Interest and Costs  
 Nov. 4

The 12.<sup>th</sup> Proposition relative to Costs. Rejected.

The 13.<sup>th</sup> Proposition "That Gold and Silver be under a similar Regulation to that of the last Paper Money Act" Agreed.

The 14.<sup>th</sup> 15.<sup>th</sup> & 16.<sup>th</sup> Propositions relative to Officers and Lawyers Fees and the Clergy, Unanimously rejected.

The 17.<sup>th</sup> and last Proposition, Agreed, when a reasonable Mode can be settled to ascertain what fees are now due

Ordered, That the above be delivered by the Conferrees of this House to the Conferrees of the Upper House.

The ingrossed Bills N.<sup>o</sup> 3, 4, 5, 6, 7, 8, 9, 10 severally read and assented to and sent to the Upper House with the Paper Bills thereof by M.<sup>r</sup> Worthington and M.<sup>r</sup> Weems.

M.<sup>r</sup> Luckett brings in and delivers to M.<sup>r</sup> Speaker A Bill entitled An Act to prohibit raising Swine and Geese in George Town in Frederick County Which was read the first Time and ordered to lie on the Table

The House adjourns till To Morrow Morning 9 O'Clock

Nov. 5  
 p. 231

Tuesday November 5.<sup>th</sup> 1771

The House met.

All Members present as on Yesterday.

The Proceedings of Yesterday were read.

The Bill entitled An Act to prohibit raising Swine and Geese in George Town in Frederick County read a second Time, passed, and sent to the Upper House by M.<sup>r</sup> Luckett and M.<sup>r</sup> Beatty.

The Bill entitled An Act for raising four Pence Sterling on every Hogshead of Tobacco exported out of this Province for the Support of an Agent at London for the Service of this Province read a second Time and the Question was put that the said Bill do pass? Resolved in the Affirmative

For the Affirmative

Mess. <sup>rs</sup>	Reeder,	Adams,	Hall,
	Jordan,	J. Richardson,	Paca,
	Gresham,	W. Richardson,	Tilghman,
	Buchanan,	Ennalls,	N. Thomas
	Worthington,	Moale,	Chamberlaine,
	Johnson,	Risteau,	So. Wright,
	Mackall,	Deye,	Earle,
	Parran,	Veazy,	Chaille,



Mess. <sup>rs</sup>	Weems,	Baxter,	Holland,	L. H. J. Liber No. 54 Nov. 5
	Smallwood,	Ward,	Allen,	
	Harrison,	Rumsey,	Robins,	
	Handy,	Tyler,	Luckett,	
	Gale,	Contee,	Beatty.	

[39]

For the Negative

M.<sup>r</sup> W. Thomas

[1]

The said Bill was sent to the Upper House by M.<sup>r</sup> Chamberlaine and M.<sup>r</sup> Earle.

Benedict Calvert Esq.<sup>r</sup> from the Upper House delivers to M.<sup>r</sup> Speaker the Paper Bills N.<sup>o</sup> 3, 4, 5, 6, 7, 8, 9, 10, severally indorsed "By the Upper House of Assembly Nov.<sup>r</sup> 5.<sup>th</sup> 1771 The ingrossed Bill whereof this is the Original read and assented to

Signed by Order U Scott Cl. Up. Ho."

William Fitzhugh Esq.<sup>r</sup> from the Upper House delivers to M.<sup>r</sup> Speaker the Bill entitled An Act for confirming to Samuel Cookson of Baltimore County sundry Lands therein mentioned thus indorsed "By the Upper House of Assembly Nov.<sup>r</sup> 2.<sup>d</sup> 1771 Read the first Time and ordered to lie on the Table.

Signed by Order U Scott Cl. Up. Ho"

"By the Upper House of Assembly Nov.<sup>r</sup> 4.<sup>th</sup> 1771 Read the second Time and will pass with the Amendment annexed

Signed by Order U Scott Cl. Up. Ho."

After the Word "*paid*" in the last Line of the last Page add as follows Viz.<sup>t</sup> "Saving to the Heirs of the said William Bond the Liberty of shewing Cause, if any the said Heirs have, or can shew, to the Chancellor of this Province for the Time being, at any Time within six Months after the said Heirs shall arrive at the Age of twenty One Years, why the Contract and Obligation aforesaid by the said Samuel Cookson entered into with the said William Bond ought not to have been specifically performed; and upon such Cause shewn to the Satisfaction of the said Chancellor then and in such Case this Act shall be void; Any Clause, Matter or Thing herein to the contrary notwithstanding."

Which was read here with the said Amendment and passed for ingrossing

A Bill entitled An Act to remedy divers Defects in the Records of Charles County thus indorsed "By the Upper House of Assembly Nov.<sup>r</sup> 1.<sup>st</sup> 1771 Read the first Time and ordered to lie on the Table.

Signed by Order U Scott Cl. Up. Ho."

"By the Upper House of Assembly Nov.<sup>r</sup> 4.<sup>th</sup> 1771 Read the Second Time and will pass with the annexed Amendments.

Signed by Order U Scott Cl. Up. Ho."

L. H. J. After the Word "*Times*" in the last Line of the second Page insert  
 Liber No. 54 the Words "in his Office" After the Word "*Direct*" in the third  
 Nov. 5 Line of the third Page strike out all that follows to the End of the  
 fifth Line inclusive. After the Word "*Commissioners*" in the sixth  
 Line of the same Page insert the Words "*and Clerk*" Which was  
 read with the Amendments and passed for ingrossing

Also the Bill entitled An Act to prevent the Exportation of flour  
 not merchantable from George Town in Frederick County thus in-  
 dorsed "By the Upper House of Assembly Nov.<sup>r</sup> 1.<sup>st</sup> 1771 Read  
 the first Time and ordered to lie on the Table

Signed by Order U Scott Cl. Up. Ho."

"By the Upper House of Assembly Nov.<sup>r</sup> 4.<sup>th</sup> 1771 Read the  
 second Time and will pass with the Amendments annexed

Signed by Order U Scott Cl. Up. Ho."

p. 232 In the third Line from the Bottom of the third Page instead of  
 "two Pounds" insert "One pound" The same Amendment to be  
 made in the fifth and tenth Lines of the fourth Page. Before the  
 Word "Potowmack" in the tenth Line of the fifth Page insert  
 "George Town" After the Word "Exportation in the fourth Line  
 from the Bottom of the seventh Page insert the Words "from out  
 of Potowmack River." After the Word "Flour" in the third Line  
 from the Bottom of the seventh Page insert the Words "which shall  
 be brought to George Town aforesaid and." Before the Word  
 "Examined" in the same Line insert the Word "be." Leave out the  
 Words "from out of Potowmack River" in the second and third  
 Lines from the Bottom of the seventh Page. After the Word  
 "Oaths" in the fourth Line from the Bottom of the tenth Page insert  
 "or Affirmations." Leave out the Word "make" in the fourth Line  
 from the Bottom of the last Page

Which was read here with the Amendments and passed for in-  
 grossing

On Motion, Ordered, That Leave be given to bring in an Addi-  
 tional Supplementary Bill to the Act entitled An Act for the Estab-  
 lishment of Religious Worship in this Province according to the  
 Church of England and for the Maintenance of Ministers; And that  
 M.<sup>r</sup> Mackall, M.<sup>r</sup> Handy, M.<sup>r</sup> Rumsey, M.<sup>r</sup> Gale, and M.<sup>r</sup> N. Thomas  
 do prepare and bring in the same.

M.<sup>r</sup> Grahame brings in and delivers to M.<sup>r</sup> Speaker a Bill entitled  
 An Act for the further Emission of Bills of Credit. Which was  
 read the first Time and ordered to lie on the Table.

The Bill entitled An Act for licensing Ordinary Keepers, Hawkers,  
 Pedlars, and Petty-Chapmen was read with the Amendments for  
 which it had been committed, passed, and sent to the Upper House  
 by M.<sup>r</sup> Smallwood and M.<sup>r</sup> Parran.

M.<sup>r</sup> Allen brings in and delivers to M.<sup>r</sup> Speaker the following Report

L. H. J.  
Liber No. 54  
Nov. 5

By the Committee appointed to enquire in the Facts set forth in the Petition of Charles Dickenson, Robert Goldsborough, Robert Harrison and John Goldsborough.

Your Committee in Obedience to the Order of this Honourable House have enquired into the Facts set forth in the said Petition, and do find that the said Petitioners with M.<sup>r</sup> William Ennalls were appointed Commissioners by an Act of Assembly passed in September 1770 to contract and agree with Workmen to build a new Court House in the Town of Cambridge in Dorchester County; That they have so far proceeded in the Execution of the said Trust as to engage Workmen to finish and compleat the said Building. That the Ground on which the present Court House stands is too small to erect the new Court House so as to make it a commodious and convenient Building. That the said Ground wants an Addition of thirty Feet in Front, and forty five Feet backwards. That the Lot adjoining to the said Ground upon which the present Court House stands is the Property of Henry Ennalls Son and Heir of Henry Ennalls late of the said County deceased who is now a Minor under the Age of Twenty One Years; and that Part of the said Lot may be conveniently applied to make up the Deficiency of the present Court House Ground. That the Guardian and the nearest friends and Relations of the said Infant have signified their Assent and Approbation that Part of the said Infant's Lot may be applied for that Purpose for a reasonable Compensation. That the Sum of fifty Pounds has been mentioned as a reasonable Satisfaction, which the said Guardian, Friends and Relations approve of and agree to.

Your Committee beg Leave to observe that by the Act of Assembly aforesaid there was no Power given to the Commissioners to pull down the old Court House nor any Power given to the Clerk or Justices of the Court to remove the Records. All which is humbly submitted to the Consideration of this Honble House

Signed by Order James Brooks Cl. Commee

Which was read.

The Petition of Charles Dickenson and others was read; and Leave given to bring in a Bill pursuant to the Prayer of the said Petition

Ordered, That M.<sup>r</sup> Ennalls, M.<sup>r</sup> J. Richardson, M.<sup>r</sup> W. Richardson, M.<sup>r</sup> Johnson, M.<sup>r</sup> Chase, and M.<sup>r</sup> Paca do prepare and bring in the same.

M.<sup>r</sup> Harrison brings in and delivers to M.<sup>r</sup> Speaker the following Report

By the Committee appointed to examine into the Truth of the several Facts and Allegations contained in the Petition of Robert



L. H. J. Horner, and the counter Petition of Robert Buchanan Attorney in  
 Liber No. 54 Fact for James Buchanan.  
 Nov. 5

p. 233 Your Committee in Obedience to the Order of the Honourable House have examined into the Allegations set forth in said Petitions and find that the said Robert Horner is a Prisoner under Confinement in the common Jail of Charles County at the Suit of James Buchanan and Robert Buchanan his Attorney as mentioned in said Horner's Petition. That your Committee is informed that Samuel Hanson and John Winter became Securities for said Horner to James Weems of Calvert County for One hundred and fifty Pounds Sterling. That some Time afterwards the said Hanson, apprehending Danger from his Securityship, paid the said Weems's Claim, and for the same, together with a further Sum due said Hanson from said Horner took said Horner's Bond, with the said Winter, his Security. That afterwards the said Horner, for the Indemnity of the said Winter, his Security at that Time for nigh two hundred and fifty Pounds Sterling executed a Deed of Mortgage for Eight or ten Negroes. That upon some Consideration, afterwards, the Reverend M.<sup>r</sup> Campbell discharged said Mortgage, and took the Negroes so mortgaged, in his Poss[ess]ion. That on the third Day of August Anno Domini seventeen hundred and sixty nine the said Horner made a Deed of Trust for sundry Goods and Chattels to Richard Brown, Thomas John Clagett, and Cuthbert Bullett, for the Purpose of fulfilling and complying with certain Marriage Settlements and other Agreements in said Deed recited and the Residue of his Estate after complying with said Agreements for the Use and Benefit of the said Horner's Creditors as may more fully appear by said Deed, produced by said Buchanan and hereto annexed. That your Committee is further informed that some Time last Spring the said Horner made another Deed of Trust of all his Estate whatever to Richard Brown and Thomas Bond for the Benefit of his Creditors and that the said Trustees have begun to execute said Trust by selling Part said Estate for the Benefit of said Horner's Creditors. All which is submitted to the Consideration of the Honourable House

Signed ʔ Order Jn.<sup>o</sup> Courts Jones Cl Commee

Which was read.

The House adjourns till To-Morrow Morning 9 O'Clock

Nov. 6

Wednesday November 6.<sup>th</sup> 1771

The House met.

All Members present as on Yesterday except M.<sup>r</sup> Hammond.

The Proceedings were read.

M.<sup>r</sup> Beatty brings in and delivers to M.<sup>r</sup> Speaker a Bill entitled An Act to divide Prince George's Parish in Frederick County and to erect One new Parish by the Name of Christ Church, Parish

Which was read the first and second Time by an especial Order, passed, and sent to the Upper House by M.<sup>r</sup> Beatty & M.<sup>r</sup> Wootton The Report brought in Yesterday by M.<sup>r</sup> Harrison was read a second Time; and the Petition of Robert Horner was also read a second Time and granted.

L. H. J.  
Liber No. 54  
Nov. 6

The Ingrossed Bills N.<sup>o</sup> 11 & 12, were severally read & assented to and sent to the Upper House with the Paper Bills thereof by M.<sup>r</sup> Mackall and M.<sup>r</sup> Moale.

M.<sup>r</sup> Mackall brings in and delivers to M.<sup>r</sup> Speaker a Bill entitled An Act for the Relief of certain Prisoners in the several Jails therein mentioned. Which was read the first Time and ordered to lie on the Table.

M.<sup>r</sup> Allen brings in and delivers to M.<sup>r</sup> Speaker the following Report

By the Committee appointed to enquire into the Facts set forth in the Petition of Samuel Litten.

Your Committee beg Leave to inform this Honble House that the only Evidence offered to ascertain the Facts set forth in the said Petition is a Deed of Bargain and Sale bearing Date the fifth Day of March seventeen hundred and seventy which appears to have been executed by James Litten to the said Samuel Litten for the Land mentioned in the said Petition: That the said Deed expressed a Consideration of forty eight Pounds Pennsylvania Money and the Receipt of the said Money is indorsed upon the said Deed: That the said Deed appears to have been executed before several Witnesses and duly acknowledged but not recorded. Your Committee beg Leave further to inform this Honourable House that upon the Petitioner's own State of his Case, the said James Litten when he executed the said defective Deed was Tenant in Tail only of the Land mentioned in the said Deed. All which is humbly submitted to the Consideration of this Honble House.

Signed by Order Jn.<sup>o</sup> Courts Jones Cl.

Which was read; And the Petition of James Litten was read, and referred for further Consideration on the second Tuesday of next Session

George Plater Esq.<sup>r</sup> from the Upper House delivers to M.<sup>r</sup> Speaker the Paper Bill N.<sup>o</sup> 12. thus indorsed "By the Upper House of Assembly Nov.<sup>r</sup> 6.<sup>th</sup> 1771. The ingrossed Bill whereof this is the Original read and assented to

p. 234

Signed by Order U Scott Cl. Up. Ho."

And the Bill entitled An Act to prohibit raising Swine and Geese in George Town in Frederick County thus indorsed "By the Upper House of Assembly Nov.<sup>r</sup> 5.<sup>th</sup> 1771 Read the first and second Time by an especial Order and will pass

Signed by Order U Scott Cl Up. Ho."

L. H. J.  
Liber No. 54  
Nov. 6

Which was read here and passed for ingrossing

M.<sup>r</sup> Contee brings in and delivers to M.<sup>r</sup> Speaker the following Report

By the Committee appointed to enquire into the Facts set forth in the Petition of Frank Leeke and George Digges.

Your Committee in Obedience to the Order of this Honble House have enquired into the Facts set forth in the said Petition and do find that the said Charles Digges died seised in ffee of the Lot of Ground in the said Petition mentioned. That a considerable Time before his Purchase and Seisin of the said Lot of Ground he made his last Will and Testament and devised all his Estate real and personal to William Digges his Father, and appointed him Executor of his said Will & Testament. That the said William Digges renounced the Executorship, and Letters Testamentary were granted to the said Frank Leeke and George Digges who have fully administered the Personal Estate of the said Charles Digges in the Payment of his Debts. That considerable Debts still remain unpaid as well upon Specialty as simple Contract. That the said Charles Digges neglected to republish his said Will and that the said Lot of Ground devolved by Descent upon Thomas Digges jun.<sup>r</sup> as Heir at Law to the said Charles Digges and that the said Thomas Digges is beyond Sea in Parts unknown and in all Probability will never return to this Province. All which is humbly submitted to the Consideration of the Honourable House

Signed by Order James Brooks Cl Commee

Which was read; and the Petition of Frank Leeke and George Digges was read and granted; and Leave given to the Petitioners to bring in a Bill pursuant to the Prayer of the said Petition

Daniel of Saint Thomas Jenifer Esq.<sup>r</sup> from the Upper House delivers to M.<sup>r</sup> Speaker a Petition of Jane Ridgely Widow and Executrix of Nicholas Greenberry Ridgely late of Ann Arundel County deceased praying an Act may pass to enable her to convey a Tract of Land in ffee Simple called Norway to George Scott the Son and Heir at Law of George Scott late of Prince George's County deceased; Which Tract of Land the said Nicholas Greenberry Ridgely had contracted with the said George Scott for in his Life Time Which was read. Ordered, That the same be referred to the Consideration of a Committee and that they do examine the Matter thereof and report the same as it shall appear to them to the House And M.<sup>r</sup> Worthington, M.<sup>r</sup> Johnson, M.<sup>r</sup> Chase and M.<sup>r</sup> Hammond are appointed a Committee accordingly And they have Power to send for Persons Papers and Records

M.<sup>r</sup> Grahame from the Conference delivers to M.<sup>r</sup> Speaker the following Paper from the Conferrees of the Upper House.

1.<sup>st</sup> Proposition. This adhered to, because it does not appear that any Inconvenience hath arisen from the former Mode



2.<sup>d</sup> Longer Time may be allowed to rechosen Inspectors to give Notice or they may be allowed to lodge the Notice with the Sheriffs of their respective Counties in the Time limited by the Bill to be by them forwarded with convenient Speed to the Clerk of the Council; and if Notice be not so given or lodged the Neglect to be considered as an actual Refusal

L. H. J.  
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3.<sup>d</sup> Adhered to. 5.<sup>th</sup> Adhered to.

11.<sup>th</sup> It was thereby meant that Plaintiffs should have the same Liberty as heretofore in entering Judgments but that whereby Consent or Agreement a Release of Penalty shall be entered the Sheriff shall not levy nor charge Commission on a larger Sum than the Terms of the Release shall require and in such Case also the Sheriff shall not be liable in any Action of Escape for a larger Sum than the Terms of the Release shall require the Payment of, and Interest thereon

12.<sup>th</sup> Adhered to.

14.<sup>th</sup> Adhered to, except that the Time for Payment of Money instead of the 10.<sup>th</sup> of April may be extended to the 10.<sup>th</sup> of June. p. 235

15.<sup>th</sup> Adhered to.

16.<sup>th</sup> From an Assurance that the Bill wou'd not finally pass in Regard to the Clergy, on the general Alternative given by it this Proposition appeared to be expedient in Order to prevent any possible Disappointment on this Account. If however instead of leaving the Clergy altogether out of the Bill on a Consideration of the Convenience to Farmers and others who do not make Tobacco and effectually to prevent their Oppression it should be thought proper to provide that the Clergy's Dues may be discharged in the Manner directed by the late Inspection Act or that the Clergy should be included in the Bill with Respect to the Farmers and others not making Tobacco and subject to the Regulation of the said Act in that Behalf and with Respect to the Planters be altogether excluded; the Upper House will make no Objection in any of the above Cases.

The Question was put, that the Question be now put, that the following Answer be given to the Conferrees of the Upper House to their last Proposition? Viz.<sup>t</sup>

After what past between the two Houses at the last Session of Assembly and the Propositions that were then agreed upon relative to the Officers, Lawyers and Clergy we did not expect your Honours would have made Propositions so widely different at this Session on the same Subject. We are instructed not to agree to them. We esteem those Points the most Material of any that remain unsettled; and altho' we are extremely desirous of bringing about a Regulation of the Staple and providing a handsome Support for the Officers and Clergy; yet if your Honours still decline a Conference on the new Table of Fees which we consider as an Explanation and Correction

L. H. J. of the old Table and do adhere to the 14.<sup>th</sup> 15.<sup>th</sup> & 16.<sup>th</sup> Propositions  
 Liber No. 54 we have no Hopes of bringing about the Passage of a Bill allowed  
 Nov. 6 on all Hands to be of great Importance to the Welfare and Happiness  
 of the People; therefore upon your Honours declaring your fixed  
 Resolution to adhere, an End may be put to this Conference.

Resolved in the Affirmative

For the Affirmative

Mess. <sup>rs</sup>	Reeder,	Dennis,	Paca,	
	W. Thomas,	Gale,	N. Thomas,	
	Jordan,	Adams,	Chamberlaine,	
	Gresham,	J. Richardson,	So. Wright,	
	Buchanan,	W. Richardson,	Earle,	
	Mackall,	Ennalls,	Chaille,	
	Grahame,	Veazy,	Holland,	
	Parran,	Baxter,	Allen,	
	Weems,	Hall,	Robins.	[27]

For the Negative

Mess. <sup>rs</sup>	Worthington,	Moale,	Contee,	
	Johnson,	Risteau,	Tilghman,	
	Chase,	Deye,	Lockett,	
	Smallwood,	Ward,	Wootton,	
	Harrison,	Rumsey,	Beatty.	[17]
	Handy,	Tyler,		

The Question was then put that the said Paper be given as an Answer to the Conferrees of the Upper House to their last Propositions? Resolved in the Affirmative. Same Division as above.

Ordered, That no new Business be moved for after Saturday next.

The House Adjourns till To Morrow Morning 9 O'Clock

Nov. 7

Thursday November 7.<sup>th</sup> 1771

The House met.

All Members present as on Yesterday.

The Proceedings of Yesterday were read.

M.<sup>r</sup> Grahame delivers to M.<sup>r</sup> Speaker a Petition of Alexander Cumming setting forth that he preferred a petition at the last Session of Assembly in which he set forth That his Father, at the Time of his Death, had, within the City of Annapolis, a Lot of Ground, with a Dwelling House, and Out Houses thereon, in which Part of his Majesty's Forces were quartered in the Year seventeen hundred and fifty seven who did considerable Damage thereto; and then

prayed the House to take the Premises into Consideration and make him such Allowance as should be thought reasonable for the Damage done the said Houses. That in Consequence of his Petition a Committee was appointed to examine into the facts therein stated who reported them to be true. That notwithstanding that Report he failed of Redress and his Petition was rejected upon the Principle that it appeared by the Report there were Creditors of his Father who did not appear to the House to be satisfied for their Debts. That he admits there were Creditors of his Father who were not and have not been satisfied their Debts and in particular the Estate of M.<sup>r</sup> Philip Hammond to whom his Father Mortgaged the Lots and Houses mentioned in the said Report. That he hath and is entitled to an Equity of Redemption and therefore praying the House to make him such Allowance for the Damage done the Premises aforesaid as they may judge adequate to the same; and that such Allowance may be appropriated toward Satisfaction of the Debt due on said Mortgage intended to be redeemed. Which was read and ordered to lie on the Table

L. H. J.  
Liber No. 54  
Nov. 7

p. 236

On Motion, Ordered That Leave be given to bring in a Bill to revive and continue an Act entitled An Act for amending and repairing the Public Roads in Baltimore County and that M.<sup>r</sup> Moale, M.<sup>r</sup> Rumsey, M.<sup>r</sup> Chase, M.<sup>r</sup> Deye and M.<sup>r</sup> Risteau do prepare and bring in the same M.<sup>r</sup> Moale brings in and delivers to M.<sup>r</sup> Speaker the said Bill. Which was read the first and second Time by an especial Order, passed, and sent to the Upper House by M.<sup>r</sup> Deye & M.<sup>r</sup> Moale

William Fitzhugh Esq.<sup>r</sup> from the Upper House delivers to M.<sup>r</sup> Speaker the said Bill thus indorsed "By the Upper House of Assembly Nov.<sup>r</sup> 7.<sup>th</sup> 1771 Read the first and second Time by an especial Order and will pass

Signed by Order U Scott Cl. Up. Ho."

Which Bill was read here and passed for ingrossing

M.<sup>r</sup> Grahame from the Conference delivers to M.<sup>r</sup> Speaker the following Papers, which were delivered by the Conferrees of the Upper House to those of the Lower House

What passed the last Session not having been productive of any Regulation, . . . [*The message beginning thus, as well as the Governor's message to the Upper House, are printed in full in the Upper House Journal, pp. 46-47*].

Which was read.

p. 237

M.<sup>r</sup> Ennalls brings in and delivers to M.<sup>r</sup> Speaker a Bill entitled A Supplementary Act to the Act entitled An Act to enable the Justices of Dorchester County Court to assess and levy on the taxable Inhabitants of the said County a Quantity of Tobacco for the Purpose of building a new Court House Which was read the first and second

L. H. J. Time by an especial Order passed, and sent to the Upper House by  
Liber No. 54 M.<sup>r</sup> Ennalls and M.<sup>r</sup> William Richardson  
Nov. 7

William Hayward Esq.<sup>r</sup> from the Upper House delivers to M.<sup>r</sup> Speaker the said Bill thus indorsed “By the Upper House of Assembly Nov.<sup>r</sup> 7.<sup>th</sup> 1771 Read the first and second Time by an especial Order and will pass.

Signed by Order U Scott Cl. Up. Ho.”

Which Bill was read here and passed for ingrossing

George Steuart Esq.<sup>r</sup> from the Upper House delivers to M.<sup>r</sup> Speaker the Bill entitled An Act for licensing Ordinary Keepers, Hawkers, Pedlars and Petty Chapmen thus indorsed “by the Upper House of Assembly Nov.<sup>r</sup> 6.<sup>th</sup> 1771 Read the first Time and ordered to lie on the Table

Signed by Order U Scott Cl. Up. Ho.”

By the Upper House of Assembly Nov.<sup>r</sup> 7.<sup>th</sup> 1771 Read the second Time and will pass with the following Amendment Viz.<sup>t</sup> Leave out the Word “aforesaid” in the first Line of the 21.<sup>st</sup> Page to the Word “House” in the fourth Line of the same Page

Signed by Order U Scott Cl. Up. Ho

Which Indorsement was read; and the proposed Amendment was unanimously rejected

The Bill entitled An Act to divide Prince George’s Parish in Frederick County and to erect one New Parish by the Name of Christ Church Parish thus indorsed “By the Upper House of Assembly Nov.<sup>r</sup> 6.<sup>th</sup> 1771 Read the first Time and ordered to lie on the Table

Signed by Order U Scott Cl Up. Ho”

“By the Upper House of Assembly Nov.<sup>r</sup> 7.<sup>th</sup> 1771 Read the second Time and will pass

Signed by Order U Scott Cl. Up Ho.”

Which was read here and passed for ingrossing

And the Bill entitled An Act to enable the Commissioners for emitting Bills of Credit to pay to John Duckett, William Mills, John Peacock and Ann Gaither the Sums of Money therein mentioned thus indorsed. “By the Upper House of Assembly Nov.<sup>r</sup> 4.<sup>th</sup> 1771 Read the first Time and ordered to lie on the Table.

Signed by Order U Scott Cl. Up Ho.”

“By the Upper House of Assembly Nov.<sup>r</sup> 7.<sup>th</sup> 1771 Read the second Time and Will pass with the Amendment annexed

Signed by Order U Scott Cl Up Ho.”

“Leave out all that relates to the Payment of One hundred and thirty six Dollars to M.<sup>r</sup> John Duckett; and let an Allowance be made



to him in the Journal of Accounts; in the same Manner as Allowances have been usually made to others for similar Services." Which Indorsement was read; and the proposed Amendment was read and rejected.

L. H. J.  
Liber No. 54  
Nov. 7

On Motion, Ordered, That Leave be given to bring in a Bill to continue the Act entitled An Act for licensing Ordinary Keepers, Hawkers, Pedlars, and Petty Chapmen; and that M.<sup>r</sup> Chase, M.<sup>r</sup> Johnson and M.<sup>r</sup> Hall do prepare and bring in the same.

M.<sup>r</sup> Worthington hath Leave of Absence for a few Days

The House adjourns till To Morrow Morning 9 O'Clock

Friday November 8.<sup>th</sup> 1771

Nov. 8  
p. 238

The House met.

All Members present as on Yesterday.

The Proceedings of Yesterday were read

The Bill entitled An Act for the Relief of certain Prisoners in the several Jails therein mentioned read a second Time, passed, and sent to the Upper House with the ingrossed Bills N.<sup>o</sup> 13, 14, 15 by M.<sup>r</sup> Wootton and M.<sup>r</sup> Ristean

John Ridout Esq from the Upper House delivers to M.<sup>r</sup> Speaker the Bill entitled An Act to prevent the Exportation of Flour, Staves and Shingles, not merchantable from the Town of Baltimore or Fell's Point in Baltimore County and to regulate the Weight of Hay and Measure of Grain, Salt, Flax Seed, and Fire Wood, within the said Town thus indorsed "By the Upper House of Assembly Nov.<sup>r</sup> 1.<sup>st</sup> 1771 Read the first Time and ordered to lie on the Table

Signed by Order U Scott Cl. Up. Ho"

"By the Upper House of Assembly Nov.<sup>r</sup> 8.<sup>th</sup> 1771 Read the second Time and will pass with the Amendment annexed

Signed by Order U Scott Cl. Up Ho."

In the 10.<sup>th</sup> Line of the 2.<sup>d</sup> Page instead of the Words "*any Number of Persons not exceeding three*" insert the Words "*a Person.*" . . . [*The Amendments beginning thus are printed in full in the Upper House Journal, pp. 26-27*].

Which Indorsement was read; and the Amendments proposed were read and agreed to and the Bill passed for ingrossing

M.<sup>r</sup> Wootton brings in and delivers to M.<sup>r</sup> Speaker a Bill entitled An Additional Supplementary Act to the Act entitled An Act for the Relief of the Poor within the several Counties therein mentioned. Which was read the first and second Time by an especial Order, passed, and sent to the Upper House with the ingrossed Bill N.<sup>o</sup> 16 by M.<sup>r</sup> Beatty and M.<sup>r</sup> Wootton

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L. H. J.  
Liber No. 54  
Nov. 8

M.<sup>r</sup> Chase brings in and delivers to M.<sup>r</sup> Speaker a Bill entitled An Act continuing An Act entitled An Act for licensing Ordinary Keepers Hawkers Pedlars and Petty Chapmen Which was read the first and second Time by an especial Order and will pass

On reading a second Time the Bill entitled An Act for a further Emission of Bills of Credit the Question was put that the following Question Viz.<sup>t</sup> "That the Parts of the Bill relative to a College be struck out of the Bill," be now put? Resolved in the Negative.

For the Negative

Reeder,	Parran,	Contee,
W. Thomas,	Weems,	Sim,
Jordan,	Smallwood,	Hall,
Worthington,	Harrison,	Paca,
Johnson,	Moale,	T. Wright,
Chase,	Veazy,	Earle,
Hammond,	Baxter,	Beatty.
Mackall,	Rumsey,	
Grahame,	Tyler,	

[25]

For the Affirmative

Buchanan,	Ennalls,	So. Wright,
Adams,	Risteau,	Chaille,
Handy,	Deye,	Holland,
Dennis,	Ward,	Allen,
Gale,	Tilghman,	Robins,
J. Richardson,	N. Thomas,	Luckett,
W. Richardson,	Chamberlaine,	Wootton.

[21]

The Bill was then read throughout and the Question was put that the said Bill do pass? Resolved in the Affirmative.

For the Affirmative

Reeder,	Parran,	Contee,
W. Thomas,	Weems,	Sim,
Jordan,	Smallwood,	Risteau,
Worthington,	Harrison,	Deye,
Johnson,	Moale,	Hall,
Chase,	Veazy,	Paca,
Hammond,	Baxter,	T. Wright,
Mackall,	Rumsey,	Beatty.
Grahame,	Tyler,	

[26]

For the Negative

Buchanan,	Ennalls,	Chaille,
Handy,	Ward,	Holland,
Dennis,	Tilghman,	Allen,
Gale,	N. Thomas,	Robins,
Adams,	Chamberlaine,	Luckett,
J. Richardson,	S. Wright,	Wootton.
W. Richardson,	Earle,	

L. H. J.  
Liber No. 54  
Nov. 8

[20]

M.<sup>r</sup> Rumsey, M.<sup>r</sup> Veazy, and M.<sup>r</sup> Reeder have Leave of Absence  
The House Adjourns till To Morrow Morning 9 O'Clock

Saturday November 9.<sup>th</sup> 1771

Nov. 9

The House met.

All Members present as on Yesterday except M.<sup>r</sup> Rumsey, M.<sup>r</sup> Sim, and M.<sup>r</sup> Reeder

The Proceedings of Yesterday were read.

M.<sup>r</sup> Contee, M.<sup>r</sup> W. Thomas, M.<sup>r</sup> Allen, M.<sup>r</sup> Robins, M.<sup>r</sup> Dennis and M.<sup>r</sup> Chaille have Leave of Absence

M.<sup>r</sup> Buchanan hath Leave of Absence till Monday next

The Petition of Alexander Cumming was read a second Time

Ordered, That the said Petition be referred to the Consideration of a Committee and that they do examine the Matter thereof and report the same as it shall appear to them to the House, and M.<sup>r</sup> Grahame, M.<sup>r</sup> Hammond M.<sup>r</sup> Mackall and M.<sup>r</sup> Harrison are appointed a Committee accordingly and they have Power to send for Persons Papers and Records

Daniel of Saint Thomas Jenifer Esq.<sup>r</sup> from the Upper House delivers to M.<sup>r</sup> Speaker the Paper Bills N.<sup>o</sup> 13, 14, 15, 16, severally indorsed "By the Upper House of Assembly November 8.<sup>th</sup> 1771 The ingrossed Bill whereof is the Original read and assented to

p. 240

Signed by Order U Scott Cl. Up Ho."

And a Bill entitled An Additional Supplementary Act to the Act entitled An Act for the Relief of the Poor within the several Counties therein mentioned thus indorsed "By the Upper House of Assembly November 8.<sup>th</sup> 1771 Read the first and second Time by an especial Order and will pass

Signed by Order U Scott Cl. Up Ho."

Which last mentioned Bill was read here and past for ingrossing

The Bill entitled An Act for a further Emission of Bills of Credit. And the Bills entitled a Supplementary Act to the Act entitled An Act for licensing Ordinary Keepers, Hawkers, Pedlars and Petty

L. H. J. Chapmen were sent to the Upper House by M.<sup>r</sup> Chase and M.<sup>r</sup>  
 Liber No. 54 Grahame  
 Nov. 9

M.<sup>r</sup> Mackall brings in and delivers to M.<sup>r</sup> Speaker a Bill entitled An Additional Supplementary Act to the Act entitled An Act for the Establishment of Religious Worship in this Province according to the Church of England and for the Maintenance of Ministers Which was read the first Time and ordered to lie on the Table

M.<sup>r</sup> Wootton brings in and delivers to M.<sup>r</sup> Speaker a Bill entitled An Act for the Security of Purchasers and others being Protestants claiming by or from Aliens Which was read the first and second Time by an especial Order, passed, and sent to the Upper House by M.<sup>r</sup> Wootton and M.<sup>r</sup> Beatty

The ingrossed Bill N.<sup>o</sup> 17 read and assented to and sent to the Upper House with the Paper Bill thereof by M.<sup>r</sup> Ennalls and M.<sup>r</sup> J. Richardson

On Motion, Ordered, That Leave be given to bring in a Bill to enable the Commissioners for emitting Bills of Credit to pay to William Mills, John Peacock, Ann Gaither, and Peter Penn, Executor of Ralph Price the Sums of Money therein mentioned And that M.<sup>r</sup> Paca and M.<sup>r</sup> Tilghman do prepare and bring in the same

John Beale Bordley Esq.<sup>r</sup> from the Upper House delivers to M.<sup>r</sup> Speaker the Bill entitled An Act continuing An Act entitled, An Act for licensing Ordinary Keepers Hawkers Pedlars and Petty Chapmen thus indorsed "By the Upper House of Assembly Nov.<sup>r</sup> 9.<sup>th</sup> 1771 Read the first and second Time by an especial Order and will pass.

Signed by Order U Scott Cl. Up Ho."

Which was read here and passed for ingrossing

And a Bill entitled An Act for the further Emission of Bills of Credit thus indorsed "By the Upper House of Assembly Nov.<sup>r</sup> 9.<sup>th</sup> 1771 Read the first and second Time by an especial Order and will pass with the following Amendment Viz.<sup>t</sup> Leave out what follows the Word "Interest" in the 4.<sup>th</sup> Line of the 29.<sup>th</sup> Page to the Word "Direct" inclusive in the third Line from the Bottom of the same Page

Signed by Order U Scott Cl. Up. Ho.

Which was read and ordered to be considered on Tuesday Morning next.

A Bill entitled An Act to impower Frank Leeke and George Digges Administrators of Charles Digges late of Prince George's County deceased with the last Will of the same Charles to their Letters of Admin annexed to sell a Lot of Ground of the same Charles situate and being in the Town of Upper Marlbro' in Prince George's County aforesaid for the Payment of the Debts of the



said Charles Digges, was read a first and second Time by an especial Order, passed, and sent to the Upper House by M.<sup>r</sup> Mackall and M.<sup>r</sup> Contee

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William Hayward Esq.<sup>r</sup> from the Upper House delivers to M.<sup>r</sup> Speaker the said Bill thus indorsed "By the Upper House of Assembly Nov.<sup>r</sup> 9.<sup>th</sup> 1771 Read the first and second Time by an especial Order and will pass.

Signed by Order U Scott Cl Up Ho."

Which was read here and passed for ingrossing

Daniel Dulany Esq.<sup>r</sup> from the Upper House delivers to M.<sup>r</sup> Speaker the Paper Bill N.<sup>o</sup> 17, thus indorsed "By the Upper House of Assembly Nov.<sup>r</sup> 9.<sup>th</sup> 1771 The ingrossed Bill whereof this is the Original read and assented to

p. 241

Signed by Order U Scott Cl. Up. Ho."

And the Bill entitled An Act for the Security of Purchasers and others being Protestants claiming by or from Aliens, thus indorsed "By the Upper House of Assembly Nov.<sup>r</sup> 9.<sup>th</sup> 1771 Read the first and second Time by an especial Order and will pass with the following Amendment Viz.<sup>t</sup> After the Word "Persons" in the 9.<sup>th</sup> Line of the 1.<sup>st</sup> Page strike out the Words "being Protestants"

Signed by Order U Scott Cl Up. Ho.

On Motion, Ordered, That Leave be given to bring in a Bill to regulate the Criminal Business of Baltimore County; And that M.<sup>r</sup> Chase, M.<sup>r</sup> So. Wright, and M.<sup>r</sup> Deye do prepare and bring in the same

On Motion, Ordered, That Leave be given in a Supplementary Bill to the Act entitled An Act for the more effectual securing of Orphan's Estates; And that M.<sup>r</sup> So. Wright M.<sup>r</sup> N. Thomas, M.<sup>r</sup> Paca and M.<sup>r</sup> Deye do prepare and bring in the same

On Motion, Ordered, That Leave be given to bring in a Supplementary Bill to the Act entitled An Act for the Punishment of Fornication and Adultery and for repealing Part of the said Act; And that M.<sup>r</sup> Wootton, M.<sup>r</sup> Lockett, M.<sup>r</sup> Mackall, M.<sup>r</sup> N. Thomas, M.<sup>r</sup> Baxter and M.<sup>r</sup> Smallwood do prepare and bring in the same

M.<sup>r</sup> So. Wright brings in and delivers to M.<sup>r</sup> Speaker the following Report

By the Committee appointed to inspect into the State of the several Public Offices, 9.<sup>th</sup> Nov.<sup>r</sup> 1771

Your Committee have examined into the State of the several Public Offices, and find that the Records of the Land Office are now deposited in the Eastermost End of the Council Chamber; the Records of the Secretary's Office in the Westermost End of the said Chamber; which Offices are separated by a secure Partition;

L. H. J. and that the Records of the Commissary's Office are deposited in  
 Liber No. 54 the Conference Chamber; and that they all appear safe, and prop-  
 Nov. 9 erly arranged on Shelves fitted up for that Purpose

That the Records of the Land Office are in the same Condition as they were at the Time of the last Report of your Committee except that the general Patent Alphabet was in a torn and defaced condition is now transcribing into a large well bound Folio Book; and that that the said Alphabet is transcribed from the Year 1680 to 1708. That the Certificates and Patents appear to be recorded to the present Year, and that they are examined. That the Records of the Commissary's Office appear in the same Condition they were in at the Time of the last Report of your Committee; except that the general Alphabet of Wills (which extended only to the Year 1726, and was much torn and defaced) is newly bound; the Leaves thereof well repaired, and the Alphabet therein continued to the Year 1760. That the Books (since the last Report to this Time, a List of which is hereto annexed) are in good Order with Alphabets cut in the Leaves of each Book, and the several Papers recorded therein appear to be examined upto to the present Time. That a large Bundle of Inventories and Accounts for the Year 1764 when Stephen Bordley Esq.<sup>r</sup> was Commissary General remain unrecorded and that no Entry hath been made in the Books of Testamentary Proceedings of any Transactions in that Office from the Month of June 1764 to the End of that Year. That the Records of the Secretary's Office appear in the same Condition they were in at the time of the last Report of your Committee. That the Judgments are entered up to October Term 1766 with a great Part of the Proceedings of that Term. That the Land Records and also the Laws are recorded up to the present Time

A List of the Record Books in the several Offices since October 4.<sup>th</sup> 1770, the Time of the last Report

In the Land Office

Liber BC & GS...N. <sup>o</sup>	42	} Containing Patents
	43	
Liber WS .....	16	Containing Warrants and Assignments
p. 242	General Alphabet not yet compleated for Patents	

In the Commissary's Office

Lib. DD .....	N. <sup>o</sup> 1	Containing Wills .....	1759, 1760
W.D. ....	2½	Containing Accounts .....	1759, 1760
	9 & 10	Containing Accounts	
	13, 14, 15, 16	Containing Inventories	
EV .....	4	Containing Testamentary Proceedings	

In the Secretary's Office

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Lib. DD .....N.º 11 Containing Judgments

All which is submitted to the Consideration of the Honble House

Signed by Order John Courts Jones Cl. Com.

Which was read the first Time and ordered to lie on the Table

The House adjourns till Monday Morning 9 O'Clock

Monday November 11.<sup>th</sup> 1771

Nov. 11

The House met.

All Members present as on Saturday except M.<sup>r</sup> Buchanan, M.<sup>r</sup> Gresham, M.<sup>r</sup> Moale, M.<sup>r</sup> Weems, M.<sup>r</sup> Dennis, M.<sup>r</sup> Allen, M.<sup>r</sup> Robins, M.<sup>r</sup> Chaille, M.<sup>r</sup> Contee and M.<sup>r</sup> Chamberlaine.

The Proceedings of Saturday were read

M.<sup>r</sup> Johnson, one of the Conferrees of this House delivers to M.<sup>r</sup> Speaker the following Paper

From an Expectation that if the most material Points could be settled there would be little Difficulty in Matters of less Importance, we declined reasoning on some of your Propositions tho' we are persuaded we could evince the Propriety of such Parts of the Bill as are therein objected to

In the present Bill the Lower House have adopted the Provision for the Clergy proposed last Session by the Upper House. No Argument can be necessary to evince to the Upper House the Propriety and Justice of their own Proposition. Your Honours are now pleased to object to this Part of the Bill and have observed "what passed the last Session not having been productive of any Regulation, can't, you presume, be binding on both Houses at this Time." Permit us therefore to remark that tho' upon the Concurrence of both Houses only neither of them are legally bound, yet in Point of Consistency essential to the Dignity of Legislation, a Departure from a Proposition solemnly made and deliberately acceded to cannot be justified whilst the Principle remains upon which the Proposition was founded. You have not even intimated that you have changed your Opinion of the Propriety and Justice of your own Proposition, nor have assigned any other Cause for departing from what you proposed than the Assurance you have had by Message that his Excellency will not pass the Law with the Alternative extended to the Clergy. The Lower House of Assembly profess themselves totally unacquainted with the connection between the Governor and one Branch of the Legislature, and your Honourable House and therefore we cannot express ourselves on the Propriety of this

L. H. J. Assurance to you by Message; And as we cannot see that the long  
 Liber No. 54 Prorogation has disclosed any Thing which ought to lessen the  
 Nov. 11 Probability of the final Passage of the Bill now more than at the  
 last Session on Account of the Clergy we should still hope that if all  
 other Matters were settled between the two Houses his Excellency  
 would be on a more mature Consideration of the Point respecting  
 the Clergy entertain the same Idea the two Houses do as to the  
 Justice and Fitness of the Alternative being extended to their Dues.

p. 243 There is doubtless by much too great an Inequality in the Livings  
 of the Clergy; however none of the Parishes are so inconsiderable  
 but that the worst is too good for the worst Clergyman and the  
 frequent Opportunities his Excellency has of removing those who  
 may have indifferent Parishes into much better put it amply in his  
 Power to reward Merit where he may meet with it; and if by a  
 probationary State in the small Livings, that Merit is not proved,  
 the Punishment will be light enough never to remove those who  
 may be wanting in it. The Lower House intend the same Measure  
 of Justice to the Clergy as to every Body else; nor will they afford  
 an Argument of one Example that any Body of Men in the Com-  
 munity are above any Regulation that the Legislature may think  
 just and reasonable.

Your Honours are pleased to postpone Officers Fees to all other  
 Points in Dispute between Us. We think that Subject ought to  
 have been the first considered. A Course of more than twenty  
 Years Experience has sufficiently convinced us that the old Table  
 which has been already altered in some Things is still full of  
 Errors and Imperfections. All Parties in the Year 1747 we take  
 it for granted were heartily tired with the Controversy about Fees  
 that had been then subsisting many Years, and were, no doubt,  
 glad to put an End to the Dispute by coming into some Regulation  
 however imperfect

No Principle can be more evident than that Officers ought not  
 to charge Fees where no Service is done; and your Honours upon  
 considering the old Table and the Practice under it will find  
 frequent Occasions to apply this Principle by Way of Correction.  
 Your Declaration that it is your unalterable Resolution not to  
 admit of any further Reduction than that very considerable One  
 which must necessarily result from the Election to be given to  
 all Persons to pay in Money or Tobacco, and that so far you do,  
 and shall absolutely adhere to the old Regulation, leaves us little  
 Room to hope for an Agreement; but you are pleased to say fur-  
 ther that if any Abuses have really happened in the Charges  
 under the old Table and an Explanation or Correction should  
 appear to be necessary for the Prevention of such Abuses in future  
 you are willing that the old Table shall be explained and corrected  
 with this View. Permit us then to enumerate some of the Abuses



which we apprehend have happened in the Charges of the Officers under the old Regulation. They are the charging Fees by the Commissary General for Services done by the Deputies, and for which they are paid. The Charge for recording Papers by the Secretary and County Clerks in Actions discontinued, abated, struck off, or agreed, when they need not, nor generally have been recorded. The extravagant Charge of the Surveyor and Examiner General on Resurveys, and of the Surveyor on Warrants of Survey out of the Provincial Court; the additional Charge of Order in the Commissary's office to almost every Act done therein, when the old Table makes the Allowance only for Orders in Testamentary Causes.

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For the Prevention of these Abuses principally was the new Table framed and to correct the Allowances in some Instances where they were beyond all Moderation; therefore as the Subject Matter of the Bill in which is included the Regulation of Fees is the real Object of this Conference the new Table most certainly is the proper Subject now to be considered in Order to discover how far it has provided against the Abuses that have crept in under the Old. There is a great Difference we apprehend between the Amount of Fees properly chargeable under the old Table and the Amount of Fees charged according to the Practice of charging

If when you say that you will not admit of any further Reduction than what must necessarily result from the Election to be given to all Persons to pay in Money or Tobacco, your Honours mean a Reduction only of the Amount of Fees as properly chargeable according to the old Table. If you esteem the several Charges above enumerated to be erroneous and are willing to make Provision against the Continuance of such Charges in Future, some Fruit might still be expected from this Conference, as we make no Doubt of being able to shew to your Satisfaction that in these as well as many other Particulars great Abuses have been committed. In this Case we are willing to confer upon both the Tables in Order to strike out one more perfect which we are persuaded might be affected to the Satisfaction of both Houses; as we can with Truth assure you we are not desirous of reducing the Incomes of the Officers beneath what might be worth the Acceptance of Gentlemen of the first Distinction. If on the contrary you are of Opinion that the Mode of charging Fees as used and practised in the above enumerated Particulars is agreeable to the old Regulation and do not mean to admit of such a Reduction of the Amount of Fees as would be occasioned by an Alteration and Correction of that Mode of charging; nothing further can be expected to be done, and we shall desire an immediate End may be put to the Conference. p. 244

The Order of the Day being read; the Consideration of the Petition of Gilbert Barrow is further referred till To-Morrow Morning

The House adjourns till To-Morrow Morning 9 O'Clock

L. H. J.  
Liber No. 54  
Nov. 12

Tuesday November 12.<sup>th</sup> 1771

The House met.

All Members present as on Yesterday.

The Proceedings of Yesterday were read

M.<sup>r</sup> Moale, M.<sup>r</sup> Owings, M.<sup>r</sup> Buchanan, M.<sup>r</sup> Gresham and M.<sup>r</sup> Beall appeared in the House

M.<sup>r</sup> Holland hath Leave of Absence. M.<sup>r</sup> Hall and M.<sup>r</sup> Worthington have Leave of Absence for a few Hours.

The Order of the Day being read, the House took into Consideration the Petition of Gilbert Barrow, and after having heard the Evidences relative to the several Matters set forth in the said Petition, and having maturely considered the same; Ordered, That the said Petition be rejected.

Ordered, That Gilbert Barrow pay the Fees to the several Officers of this House arising due on the said Petition

Ordered, That M.<sup>r</sup> Beall and M.<sup>r</sup> Tilghman do tax the Fees arising due on the said Petition

M.<sup>r</sup> Beall brings in and delivers to M.<sup>r</sup> Speaker the following Report

By the Committee appointed to tax the Fees and Allowances arising due to the Officers of this House, and Evidences attending the Petition of Gilbert Barrow

Your Committee have proceeded to tax the Fees and Allowances on the above Petition as follows

To the Clerk for Copy of Petition and Order...	£o.. 6..6
To ditto for issuing two Subpœnas @ 3/.....	o.. 6..0
To the Serjeant for serving the same.....	o.. 6..0
To John Loveday and Richard Johns for 2 Days	} 4.. 0..0
Attendance and 6 Days Itinerant Charges each	
from Talbot County @ 5/.....	
	<hr/> £4..18..6 <hr/>

All which is submitted to the Consideration of the Honble House  
Signed p Order Tho.<sup>s</sup> B. Hodgkin Cl. Com.

The House agrees with the Report

Daniel of Saint Thomas Jenifer Esq.<sup>r</sup> from the Upper House delivers to M.<sup>r</sup> Speaker the Bill entitled An Act for the Relief of certain Prisoners in the several Jails therein mentioned thus indorsed. "By the Upper House of Assembly Nov.<sup>r</sup> 8.<sup>th</sup> 1771 Read the first Time and ordered to lie on the Table

Signed by Order U Scott Cl. Up. Ho."

"By the Upper House of Assembly Nov.<sup>r</sup> 9.<sup>th</sup> 1771 Read the second Time and will pass with the Amendments annexed

L. H. J.  
Liber No. 54  
Nov. 12

Signed by Order U Scott Cl. Up. Ho."

After the Words "Zachariah Wade" in the 9.<sup>th</sup> Line of the 1.<sup>st</sup> Page insert the Words "James Steward"

After the Word "aforesaid" in the last Line of the 6.<sup>th</sup> Page, add the following Clause Viz.<sup>t</sup>

"And be it further enacted by the Authority aforesaid That if any of the Persons intended to be relieved by this Act are and shall be of sufficient Ability of Body to labour such Person or Persons not having a Wife or Family shall be and are hereby obliged to serve for a Time not exceeding five Years to any Person or Persons who are or shall be inclined to purchase the Time of Servitude of such Debtor or Debtors and that the respective Sheriffs in whose Custody the aforesaid Debtors or any of them are be and are hereby authorized and obliged to summon two Justices of the Peace in the respective Counties at the Request of the said Prisoners as soon as conveniently may be after the End of this Session of Assembly and after giving five Days Notice at the Court Houses of the respective Counties of the intended Sale of such Debtor or Debtors expose to Sale in the Presence of the said Justices such Debtor or Debtors and the Time of his or their Servitude to the highest Bidder and the Money arising from such Sale shall be as Effects of such Debtor or Debtors in the Hands of the respective Sheriffs subject as aforesaid to a Distribution in Manner aforesaid And the Sale and Service of such Debtor or Debtors as aforesaid is hereby directed to be taken as a full and sufficient Acquittal and Discharge against all Debts due from such Debtor or Debtors before such Sale Provided that in Case it shall appear to the Satisfaction of the said Justices that any of the said Debtors have offered since their Confinement to make Satisfaction to their Creditors by Servitude and that their Creditors have refused to accept the same that the Time such Debtors have been confined in Prison shall be deemed and taken as Part of the aforesaid five Years and that they shall be obliged to serve only for such Time as will compleat five Years from the Day of such Offer of Servitude And that in Case any such single Person as aforesaid have been confined in Prison for five Years or any longer Time that the said Persons so confined shall be discharged upon the same Terms and in the same Manner that Persons having Families are by this Act directed to be discharged." Which was read, and the Amendments proposed were read and agreed to and the Bill passed for ingrossing

And a Petition of the Rector, Church Wardens Vestrymen and others Inhabitants of Saint John's (commonly called King George's) Parish lying partly in Prince George's and partly in Charles County setting forth that there are Repairs wanted to the Lower Chapel in

L. H. J. the said Parish and a Vestry Room to be built. That an Enlarge-  
 Liber No. 54 ment of the Upper Chapel hath likewise become necessary; and  
 Nov. 12 therefore praying that an Act may pass enabling the Justices of  
 Prince George's and Charles Counties to levy on the taxable In-  
 habitants of that Parish the Sum of three hundred and fifty Pounds  
 Common Money for the Purposes aforesaid

M.<sup>r</sup> Tilghman brings in and delivers to M.<sup>r</sup> Speaker a Bill entitled  
 An Act to enable the Commissioners for emitting Bills of Credit to  
 pay to William Mills, John Peacock, Peter Paine, Executor of Ralph  
 Price, and Ann Gaither the Sums of Money therein mentioned  
 Which was read the first and second Time by an especial Order,  
 passed, and sent to the Upper House by M.<sup>r</sup> N. Thomas and M.<sup>r</sup>  
 Moale

The Order of the Day being read the House took into Con-  
 sideration the Petition of the Inhabitants of Baltimore County, the  
 Petition of the Inhabitants of York County, and the Petition of  
 Nathaniel Giles

On the Prayer of the Petitioners they have Leave to be heard at  
 the Bar by their Counsel The House having spent some Time therein  
 referred the further Consideration thereof till To-Morrow Morning

Benedict Calvert Esq.<sup>r</sup> from the Upper House delivers to M.<sup>r</sup>  
 Speaker the Bill entitled An Act to enable the Commissioners for  
 emitting Bills of Credit to pay to William Mills, John Peacock, Peter  
 Payne, Executor of Ralph Price, and Ann Gaither the Sums of  
 Money therein mentioned thus indorsed "By the Upper House of  
 Assembly Nov.<sup>r</sup> 12.<sup>th</sup> 1771 Read the first and second Time by an  
 especial Order and will pass.

Signed by Order U Scott Cl. Up. Ho"

Which was read here and passed for ingrossing

p. 246 John Beale Bordley Esq.<sup>r</sup> from the Upper House delivers to M.<sup>r</sup>  
 Speaker A Bill entitled An Act for the Naturalization of Charles  
 Frederick Weizenthal thus indorsed "By the Upper House of As-  
 sembly Nov.<sup>r</sup> 12.<sup>th</sup> 1771 Read the first and second Time by an  
 especial Order and will pass.

Signed by Order U Scott Cl. Up. Ho."

The Order of the Day for taking into Consideration the Amend-  
 ment proposed by the Upper House to the Bill entitled An Act for a  
 further Emission of Bills of Credit being read, it is further referred  
 till To-Morrow Morning

The House adjourns till To-Morrow Morning 9 O'Clock



Wednesday Nov.<sup>r</sup> 13.<sup>th</sup> 1771

L. H. J.  
Liber No. 54  
Nov. 13

The House met.

All Members present as on Yesterday except M.<sup>r</sup> Chase.

The Proceedings of Yesterday were read

The Order of the Day being read, for taking into Consideration the Amendment proposed by the Upper House to the Bill entitled An Act for a further Emission of Bills of Credit, the House rejected the Amendment.

On Motion, the Question was put, That the said Bill be inforced by a Message to the Upper House?

Resolved in the Affirmative

For the Affirmative

Mess. <sup>rs</sup>	Jordan,	Smallwood,	Tyler,
	Worthington,	Harrison,	Beall,
	Johnson,	Moale,	Hall,
	Hammond,	Risteau,	Paca,
	Mackall,	Deye,	T. Wright,
	Grahame,	Owings,	Beatty.
	Parran,	Baxter,	

[20]

For the Negative

Mess. <sup>rs</sup>	Gresham,	J. Richardson,	N. Thomas,
	Buchanan,	W. Richardson,	So. Wright,
	Handy,	Ennalls,	Earle,
	Gale,	Ward,	Luckett,
	Adams,	Tilghman,	Wootton.

[15]

Ordered, That M.<sup>r</sup> Johnson, M.<sup>r</sup> Hall, M.<sup>r</sup> Tilghman, M.<sup>r</sup> Paca, and M.<sup>r</sup> Beall do prepare and bring in the said Message

M.<sup>r</sup> Grahame from the Conference delivers to M.<sup>r</sup> Speaker the following Paper; which was delivered by the Conferees of the Upper House to those of the Lower House.

The Alternative in respect of the Clergy's Dues originally sprang from your House, . . . [*The paper beginning thus is printed in full in the Upper House Journal, pp. 48-52*].

Which was read, and Ordered to lie on the Table

p. 249

M.<sup>r</sup> Lloyd appeared in the House

The House proceeded further to an Hearing on the Petition of William Husband &<sup>ta</sup> and after some Time spent therein referred the same for further Consideration To Morrow Morning

M.<sup>r</sup> Joseph Richardson and M.<sup>r</sup> Handy have Leave of Absence

The House adjourns till To-Morrow Morning 9 O'Clock

L. H. J.  
Liber No. 54  
Nov. 14

Thursday November 14.<sup>th</sup> 1771

The House met.

All Members present as on Yesterday.

The Proceedings of Yesterday were read.

The Petition of the Rector, Vestrymen &<sup>ta</sup> of Saint John's (commonly called King George's) Parish was read the first and second Time and granted.

Leave given to bring in a Bill pursuant to the Prayer of the said Petition.

Ordered, That M.<sup>r</sup> Beall, M.<sup>r</sup> Tyler, M.<sup>r</sup> Smallwood and M.<sup>r</sup> Harrison do prepare and bring in the same.

M.<sup>r</sup> Solomon Wright brings in and delivers to M.<sup>r</sup> Speaker a Bill entitled An Act to regulate the Criminal Business of Baltimore County: Which was read the first Time and ordered to lie on the Table.

The Bill entitled An Act for the Security of Purchasers and others being Protestants claiming by or from Aliens was read with the Amendments proposed by the Upper House and the Amendment was rejected.

Ordered, That the said Bill be enforced by a Message to the Upper House

Ordered, That M.<sup>r</sup> Wootton, M.<sup>r</sup> Lockett, M.<sup>r</sup> Handy, M.<sup>r</sup> Hall do prepare and bring in the said Message

M.<sup>r</sup> Paca brings in and delivers to M.<sup>r</sup> Speaker the following Report

By the Committee appointed to enquire into the ffacts set forth in the Petition of Elizabeth Williams Administratrix of George Williams, with the Will annexed.

Your Committee in Obedience to the Order of this Honourable house have enquired into the ffacts set forth in the said Petition and do find that George Williams executed a Bond in the Penalty of five hundred Eighty three Pounds ten Shillings Pensylvania Money to Robert Smith for the Conveyance of a Tract of Land called Williams's Discovery in Baltimore County and of one other Tract of Land called Frankford and of ten Acres of Land adjoining thereto in said County in fee Simple to the said Robert Smith, and that the said Robert Smith executed Bonds to the said George Williams one for the Payment of £191..15..0 Pensylvania Money and another for £100. like Money which Sums of Money were the Consideration for the Lands in the said Bond of Conveyance mentioned. That the said George Williams also executed a Bond in the Penalty of Eight hundred Pounds Current Money to Thomas Bailey for the Conveyance for a Tract of Land called Milford and another Tract called Williams's Neglect lying and being in Queen Ann's

County in fee Simple to the said Thomas Bailey, and that the said Thomas Bailey executed Bonds to the said George Williams; one for the Payment of two hundred Pounds Pennsylvania Money and another for the Payment of two hundred and forty Pounds like Money as a Consideration for the said Lands in the said Bond of Conveyance mentioned: That the said George Williams aforesaid died without executing the Conveyances according to his said several Contracts, and that considerable Sums of Money are due upon the Bonds aforesaid so as aforesaid executed to the said George Williams. That the said George Williams made his Will and appointed the Petitioner and others Executors as mentioned in the said Petition; Which said Will was made at Philadelphia, and Letters of Administration there granted to Jane, Elinor, and Henry Williams and the Petitioner. That the Bonds aforesaid being Debts within this Province, Letters of Administration were granted with the Will annexed to the Petitioner alone by and with the Consent of the several Persons aforesaid nominated as Executors. That the Heir at Law of the said George Williams is an Infant within the Age of twenty one years, and the said Administratrix is unable to collect the Debts aforesaid from a Want of Power to make Conveyances pursuant to the said several Contracts of the said George Williams. Your Committee beg Leave to observe to this Honorable House that Henry Williams was seized in fee of the Tract of Land aforesaid called Milford in Queen Ann's County and in the Year 1757 executed the following Instrument of Writing to George Williams In the Records of Queen Ann's County is contained the following Instrument of Writing to wit

L. H. J.  
Liber No. 54  
Nov. 14

Queen Ann's County ss. Nov.<sup>r</sup> the sixteenth Day Anno Dom. One thousand seven hundred and fifty seven the following Instrument was brought to be recorded Viz.<sup>t</sup>

Know all Men by these Presents that I Henry Williams of Baltimore County and Province of Maryland  
 Duty paid }  
 B Bordley } now being settled on Land and Mills with Goods and  
 Chattels at my own free Choice (wherewith I am well  
 contented) by my Father in Law George Williams of Cæcil County and Province aforesaid have and do in Consideration thereof forever quit claim and invest on the said George Williams his Heirs and Assigns forever all and singular the Estate of my Father Abraham Williams deceased real and personal except such Goods and Chattels as now is in my Hands in Baltimore County and do hereby oblige myself my Heirs Executors and Administrators to sign seale acknowledge and deliver all and every such Conveyances as the said George Williams or his Attorney learned in the Law may at their reasonable Request devise or require. And I do constitute and appoint my Father George Williams my lawful Attorney to sue for levy and recover as if I myself were personally present, and proper

L. H. J. Discharge to make or give of in and concerning the Premises above  
 Liber No. 54 mentioned or touching all and every Thing or Things, Device or  
 Nov. 14 Devices that have therefrom arisen or may hereafter by any Ways  
 or Means whatsoever for his own proper Use but at his own Cost  
 and Charges and for the true Performance and abiding hereby I  
 do hereby bind myself my Exors and Admrs in the just Sum of  
 five hundred Pounds Sterling Money of Great Britain. In Witness  
 whereof I do hereunto set my Hand and Seal this fifth Day of  
 August Annoq Dom. 1757

Henry Williams [SEAL]

Signed sealed and delivered }  
 In the Presence of  
 Francis Jenkins jun.<sup>r</sup>  
 F. Tho.<sup>s</sup> Frazier  
                   his  
 William W Jones  
                   Mark }

In Testimony that the above is a true Copy I hereto set my Hand  
 and affix the Seal of Queen Ann's County afd this 29.<sup>th</sup> Day of  
 October Anno Dom. 1771

R<sup>d</sup> Tilghman Cl Queen Ann's County

p. 251 Your Committee beg Leave to inform this Honourable House  
 that the Consideration of the aforesaid Instrument of Writing was  
 the Exchange of a Parcel of Land in Baltimore County called Mil-  
 ford which was held by Lease from the Lord Proprietary upon  
 which said Parcel of Land was erected at the Time a valuable  
 Mill. That the said Instrument of Writing was pass'd before the  
 Date of the Bond executed as aforesaid by the said George Wil-  
 liams to the said Thomas Baley, and that the said George Williams  
 derives his Title under the said Instrument of Writing. That the  
 Parcel of Land given in Exchange as aforesaid was by a Deed  
 duly executed by the said George Williams made over and con-  
 veyed to the said Henry Williams, who afterwards for a valuable  
 Consideration sold the said Parcel of Land and Mill. That the  
 said Henry Williams is since dead and his Heir at Law an Infant  
 within the Age of twenty one Years

All which is humbly submitted to the Consideration of this Hon-  
 ourable House

Signed p Order W.<sup>m</sup> Wright Cl Com.

Which was read and ordered to lie on the Table

Ordered, That the Propositions of the Conferrees of the Upper  
 House brought in Yesterday by M.<sup>r</sup> Grahame be again read; and  
 they were read accordingly

Ordered, That the same be taken into Consideration To-Morrow  
 Morning at the Sitting of the House



The House resumed the Consideration of the Petition of William Husbands &<sup>ta</sup> and after having heard the Testimony of many Evidences at the Bar ordered the Counsel and the Parties to withdraw; and after some Debate in the House it was ordered that the Petition of William Husbands be rejected.

L. H. J.  
Liber No. 54  
Nov. 14

Daniel of S.<sup>t</sup> Thomas Jenifer Esq.<sup>r</sup> from the Upper House delivers to M.<sup>r</sup> Speaker a petition of the Traders in the Town of Bladensburgh in Prince George's County setting forth That the Situation of Bladensburgh is convenient for the Flour Trade of a considerable Part of the County. That the Navigation from thence to Carrolsburgh is about to be rendered easy and therefore praying that an Inspection upon Flour may be established at Carrolsburgh and at Bladensburgh. Which was read the first Time and ordered to lie on the Table.

The House adjourns till Monday Morning Nine O'Clock

Friday November 15.<sup>th</sup> 1771

Nov. 15

The House met.

All Members present as on Yesterday.

The Proceedings of Yesterday were read

M.<sup>r</sup> Chase appeared in the House.

On Motion, Ordered, That Leave be given to bring in a Bill for the further Adjournment and Continuance of the High Court of Appeals; and that M.<sup>r</sup> Paca and M.<sup>r</sup> Wootton do prepare & bring in the same

M.<sup>r</sup> Paca brings in and delivers to M.<sup>r</sup> Speaker the said Bill, Which was read the first and second Time by an especial Order, passed, and sent to the Upper House, with the Paper Bills N.<sup>o</sup> 18, 19, 20, 21, 22, 23, 24, by M.<sup>r</sup> N. Thomas and M.<sup>r</sup> Moale.

M.<sup>r</sup> Parran being much indisposed, hath Leave of Absence

Daniel of S.<sup>t</sup> Thomas Jenifer Esquire from the Upper House delivers to M.<sup>r</sup> Speaker the Bill entitled An Act for the further Adjournment and Continuance of the High Court of Appeals thus indorsed "By the Upper House of Assembly Nov.<sup>r</sup> 15.<sup>th</sup> 1771 Read the first and second Time by an especial Order and will pass

Signed by Order U Scott Cl Up. Ho."

Which Bill was read here and passed for ingrossing

The ingrossed Bill N.<sup>o</sup> 25 read and assented to and sent to the Upper House with the Paper Bill thereof by M.<sup>r</sup> Paca and M.<sup>r</sup> Lloyd

John Ridout, Esq.<sup>r</sup> from the Upper House delivers to M.<sup>r</sup> Speaker the Paper Bills N.<sup>o</sup> 18, 19, 20, 21, 22, 23, 24 severally indorsed

L. H. J. “By the Upper House of Assembly Nov.<sup>r</sup> 15.<sup>th</sup> 1771 The ingrossed  
Liber No. 54 Bill whereof this is the Original read and assented to.  
Nov. 15

Signed by Order U Scott Cl. Up. Ho.”

M.<sup>r</sup> Grahame, M.<sup>r</sup> Earle, and M.<sup>r</sup> So. Wright have Leave of  
Absence till Monday next

p. 252 George Steuart Esq.<sup>r</sup> from the Upper House delivers to M.<sup>r</sup>  
Speaker the Paper Bill N.<sup>o</sup> 25 thus indorsed “By the Upper House  
of Assembly Nov.<sup>r</sup> 15.<sup>th</sup> 1771 The ingrossed Bill whereof this is  
the Original read and assented to.

Signed by Order U Scott Cl. Up. Ho.”

On Motion, Ordered, That Leave be given to bring in a Bill for  
the Adjournment and Continuance of Frederick County Court And  
that M.<sup>r</sup> Wootton and M.<sup>r</sup> Luckett do prepare and bring in the same

M.<sup>r</sup> Beall brings in and delivers to M.<sup>r</sup> Speaker a Bill entitled An  
Act empowering the Justices of Prince George’s and Charles Count-  
ties to levy on the taxable Inhabitants of S.<sup>t</sup> John’s (commonly  
called King George’s) Parish in said Counties the Quantity of fifty  
six thousand Pounds of Tobacco for the Purposes therein mentioned

M.<sup>r</sup> Wootton brings in and delivers to M.<sup>r</sup> Speaker a Bill entitled  
An Act for the Adjournment and Continuance of Frederick County  
Court. Which was read the first and second Time by an especial  
Order, passed, and sent to the Upper House by M.<sup>r</sup> Wootton and  
M.<sup>r</sup> Luckett

M.<sup>r</sup> Chase delivers to M.<sup>r</sup> Speaker a Petition of the Freeholders  
and Free Voters of Frederick County complaining of an undue  
Return of a Member returned from that County in the Room of  
M.<sup>r</sup> Jonathan Hagar whose Seat was lately declared void. Which  
was read

The Conferees of this House with the Addition of M.<sup>r</sup> Paca are  
appointed a Committee to draw up an Answer to the last Propositions  
from the Conferees of the Upper House

The House Adjourns till To-Morrow Morning Nine O’Clock

Nov. 16

Saturday Nov.<sup>r</sup> 16.<sup>th</sup> 1771

The House met.

All Members present as on Yesterday except M.<sup>r</sup> Grahame, M.<sup>r</sup>  
Parran, M.<sup>r</sup> Handy, M.<sup>r</sup> J. Richardson, M.<sup>r</sup> W Richardson, M.<sup>r</sup> So.  
Wright and M.<sup>r</sup> Earle.

The Proceedings of Yesterday were read

The House being informed that M.<sup>r</sup> Jonathan Hagar a Delegate  
returned for Frederick County to serve in this present Session of  
Assembly was attending at the Door.

L. H. J.  
Liber No. 54  
Nov. 16

Ordered, That M.<sup>r</sup> Beatty and M.<sup>r</sup> Luckett do go with that Gentleman to the Upper House to see him qualified. They return and acquaint M.<sup>r</sup> Speaker they saw him qualified in the usual Manner. The Gentleman took his Seat in the House

M.<sup>r</sup> Harrison brings in and delivers to M.<sup>r</sup> Speaker the following Report

By the Committee appointed to enquire into the Truth of the Facts contained in the Petition of Alexander Cumming

In Obedience to the Order of the Honourable House your Committee have proceeded to examine into the facts aforesaid, and find them all agreeable with the Report made to the Honourable House at November Session 1770 on the Petition then preferred by the now Petitioner and which is set forth in his above Petition.

Your Committee also pray Leave to report to your Honours that William Cumming the elder, the Father of the present Petitioner executed a Deed of Mortgage to M.<sup>r</sup> Philip Hammond as alledged by him in his said Petition, on which Mortgage, and mortgaged Premises your Committee apprehend that the Petitioner hath and is entitled to the Equity of Redemption, as Heir at Law to his Father and also under the Deed of Bargain and Sale and Release aforesaid from William Cumming the younger to him.

Your Committee beg Leave further to report that the Petitioner sustained very considerable Damage from the Soldiery when quartered on the Premises aforesaid and particularly the Loss of a good framed House near forty feet in Length by twenty odd feet in Width burnt by them together with a large Part of the lower Flooring of the Dwelling House aforesaid in which the Petitioner's Father lived, and of all, or most of the Window Glass of said House, which was broken by them, whereby the Premises aforesaid were rendered untenable. All which is submitted to the Consideration of the Honourable House

Signed p Order W.<sup>m</sup> Wright Cl. Comm.

Which was read the first Time and Ordered to lie on the Table. p. 253

The Report brought in the 14.<sup>th</sup> Instant by M.<sup>r</sup> Paca was read a second Time, and the Petition of Elizabeth Williams was read and granted

Leave given to the Petitioner to bring in a Bill pursuant to the Prayer of the said Petition

M.<sup>r</sup> Johnson brings in and delivers to M.<sup>r</sup> Speaker a Message to the Upper House which was read and agreed to and ordered to be ingrossed.

M.<sup>r</sup> Gresham hath Leave of Absence till Monday next

George Steuart Esq.<sup>r</sup> from the Upper House delivers to M.<sup>r</sup> Speaker the Bill entitled An Act for the Adjournment and Continuance of Frederick County Court thus indorsed "By the Upper

L. H. J. House of Assembly Nov.<sup>r</sup> 16.<sup>th</sup> 1771 Read the first and second Time  
Liber No. 54 by an especial Order and will pass.  
Nov. 16

Signed by Order U Scott Cl. Up. Ho<sup>r</sup>

Which was read here and passed for ingrossing

The ingrossed Bill N.<sup>o</sup> 26 read and assented to and sent to the Upper House with the Paper Bill thereof by M.<sup>r</sup> Wootton and M.<sup>r</sup> Beatty.

M.<sup>r</sup> Johnson brings in and delivers to M.<sup>r</sup> Speaker the following ingrossed Message

By the Lower House of Assembly 16.<sup>th</sup> November 1771  
May it please your Honours

We are much concerned to find that scarce any Money Bill hath lately been sent to your House to which your Honours have not proposed an Amendment. This House do and ever will claim as their inherent undoubted and fundamental Right the sole and exclusive Formation of all Money Bills as well for the Application and Disposition as for the granting and raising of all public Money; nor will we ever give up or wave or weaken that Right in any Manner. We should therefore had there been no other Reason, have rejected the Amendment proposed by Your Honours to the Bill entitled "An Act for the further Emission of Bills of Credit." But even if this House had not that undoubted Right we could not have come into your proposed Amendment it appearing to Us that four Years are a sufficient Time for the whole Legislature to agree in the Scheme of establishing a Seminary of Learning that if any Circumstances should unluckily happen to prevent the Assembly from attending to this Object the Time might and undoubtedly would be lengthened and that if unhappily contrary to our Expectation and earnest Wish an Agreement therein should not within that Time be likely to be effected it is much more prudent that the present Bill should explicitly declare what shall be done with the forty two thousand six hundred and sixty six Dollars and two third Parts of a Dollar than that we should be now laying the Foundation for another Dispute to be added to the Number subsisting which are already too many. We have therefore returned your Honours the Bill in hopes that these Considerations will induce you to pass it.

Signed by Order Jn.<sup>o</sup> Duckett Cl. Lo. Ho.

Which was read and assented to and sent to the Upper House with the Bill entitled "An Act for the further Emission of Bills of Credit" by M.<sup>r</sup> Johnson and M.<sup>r</sup> Hall.

M.<sup>r</sup> Tilghman brings in and delivers to M.<sup>r</sup> Speaker the following Report

By the Committee of Elections and Privileges Nov.<sup>r</sup> 16.<sup>th</sup> 1771

Your Committee having inspected the Writ directed to the Sheriff of Frederick County for electing one Deputy and Delegate to serve



in this General Assembly and the Return of the said Writ do find that M.<sup>r</sup> Jonathan Hagar is duly returned a Delegate for the said County of Frederick; and submit the same to the Consideration of the Honourable House

L. H. J.  
Liber No. 54  
Nov. 16

Signed by Order Tho.<sup>s</sup> Brooke Hodgkin Cl Com

Which was read

The Petition of the subscribing Freeholders and free Voters of Frederick County was read a second Time.

Ordered, That an Hearing on the said Petition be had at the Bar of this House on the fourth Day of the next Session of Assembly and that the Sheriff of Frederick County do attend at the Bar of this House on that Day and bring with him the original Poll taken at the late Election for one Delegate to serve in this Assembly for that County.

Ordered, That the sitting Member and the Petitioners exchange Lists of the Names of those whose Votes they respectively intend to object against by the 20.<sup>th</sup> Day of December next expressing their particular Objections and therein confining themselves to such Objections as were made and entered on the Polls at the Time of polling. p. 254

Ordered, That the Petitioners and all Parties concerned have Summonses for Witnesses in Relation to the said Petition upon their Application to the Clerk of this House for that Purpose

Daniel of Saint Thomas Jenifer Esq. from the Upper House delivers to M.<sup>r</sup> Speaker the Paper Bill N.<sup>o</sup> 26 thus indorsed "By the Upper House of Assembly Nov.<sup>r</sup> 16.<sup>th</sup> 1771 The ingrossed Bill whereof this is the Original read and assented to

Signed by Order U Scott Cl. Up Ho."

The Bill entitled An Act empowering the Justices of Prince George's and Charles Counties to levy on the taxable Inhabitants of Saint John's (commonly called King George's) Parish in said Counties the Quantity of fifty six thousand Pounds of Tobacco for the Purposes therein mentioned was read the first and second Time by an especial Order, passed, and sent to the Upper House by M.<sup>r</sup> Beale and M.<sup>r</sup> Tyler.

M.<sup>r</sup> Jordan hath Leave of Absence

Ordered, That the Clerk of this House write to the several absent Members acquainting them that this House requires their immediate Attendance

The House adjourns till Monday Morning 9 O'Clock

L. H. J.  
Liber No. 54  
Nov. 18

Monday November 18.<sup>th</sup> 1771

The House met.

All Members present as on Saturday except M.<sup>r</sup> Gresham, M.<sup>r</sup> Earle, and M.<sup>r</sup> So. Wright

The Proceedings of Saturday were read.

M.<sup>r</sup> Owings, M.<sup>r</sup> Contee, M.<sup>r</sup> Weems and M.<sup>r</sup> W Richardson appeared in the House

A Bill entitled An Act for the Naturalization of Charles Frederick Weisenthall was read a first and second Time by an especial Order, passed, and sent to the Upper House by M.<sup>r</sup> Deye and M.<sup>r</sup> Moale.

The House being informed that M.<sup>r</sup> Francis Ware and M.<sup>r</sup> Josias Hawkins two Delegates returned for Charles County to serve in this present Session of Assembly were attending at the Door.

Ordered, That M.<sup>r</sup> Smallwood and M.<sup>r</sup> Harrison do go with those Gentlemen to the Upper House to see them qualified. They return and acquaint M.<sup>r</sup> Speaker they saw them qualified in the usual Manner. The Gentlemen took their Seats in the House

M.<sup>r</sup> Hall brings in and delivers to M.<sup>r</sup> Speaker the following Paper

Were the Lower House willing to continue the Regulation of the late Inspection Law, in respect of the Clergy, with a Proviso, that in all Parishes on the Death or Removal of the present Incumbents the Alternative shall take Place, a Doubt would remain whether the Alternative should be on thirty or thirty two pounds of Tobacco and how long that Regulation should continue.

Amongst the Proceedings of this Legislature no Subject of Controversy more frequently occurs than the Limitation of Officers fees; a Proof not only of the Necessity of such a Limitation, but also of the Difficulty of obtaining it. In the Year 1745 the Regulation of Officers fees was a principal Object of Attention, a Bill was framed in Consequence of the Agreement between Conferrees and passed both Houses

p. 255 The Charge of the Commissary General for Services performed by his Deputies and for which they were paid, was then under Consideration; it was twice agitated in Conference and finally agreed by the Conferrees that the Commissary General should have no fees on Services done by the Deputy Commissaries in Virtue of their Offices. For your further Satisfaction in this Point we beg Leave to trouble you with the following Extract

“At a Conference of both Houses of Assembly appointed to regulate the several Officers Fees on Monday the 16.<sup>th</sup> Day of September 1745

Were Present

L. H. J.  
Liber No. 54  
Nov. 18

The Honble Benjamin Tasker and Daniel Dulany Esquires of the Upper House

M. <sup>r</sup> Joshua George, Major Henry Hall, Col. <sup>o</sup> John Hall, M. <sup>r</sup> Nicholas Goldsborough, M. <sup>r</sup> John Gresham, Doctor George Buchanan	}	Of the Lower House
--	---	--------------------

Who make Choice of Benjamin Tasker Esq.<sup>r</sup> Chairman and Richard Dorsey their Clerk

Your Conferrees have agreed that the Officers ffees shall be under the following Regulations Viz.<sup>t</sup> That there shall be fifteen Pounds of Tobacco allowed for all Searches in the superior Offices; Searches under a Years standing not to be charged; and nine Pounds of Tobacco per Side reckoning One hundred and five Words to a Side for recording and copying in the said Offices

That there shall be a Deduction of One fifth of all Officers ffees as now taken except for the above two Articles. That the Commissary General shall have no ffees on small Estates which shall not exceed the Value of thirty Pounds Currency nor on Services which shall be performed by the Deputy Commissaries in Virtue of their Offices. That there shall be Tables of the several ffees in the Act according to the Limitations now agreed on

That Clerks shall be restrained from entring any Motions or Orders in civil or criminal Cases but where any Party shall desire and pay for the Entry. That there be a proper Clause in the Act to restrain Officers from exacting or taking any more or other ffees than such as shall be mentioned in it; and that there be an Oath of Office; and that the Act shall continue for seven Years and to the End of the next Session of Assembly which shall happen after the End of the said seven Years."

This Extract needs no Comment. The Sense of the two Houses on this Point is fully and clearly expressed. It is true the Bill for Limitation of Officers ffees with several other Bills of Importance were rejected by the Governor; for what Reason does not appear; but it may be conjectured, and perhaps your Honours may know, that it was because the Lower House did not pass a Bill for Arms and Ammunition, which at that Time was deemed an Object of the first concern with Government.

In the Year 1747, when the Inspection Law first passed, including a Regulation of the Staple as well as of the Officers ffees, this Point of the double Charge does not appear to have been agitated. A Minute Detail of the Circumstances attending the several Re-enact-

L. H. J. ings of that Law would not discover any great Fondness for that  
 Liber No. 54 Part of it which relates to Officers fees and the Continuance of it  
 Nov. 18 in the Year 1769 for one Year only, with the Intention of going  
 fully into the Consideration of Officers fees at the next Session was  
 a Proof to all the World that the old Table of Fees was then looked  
 upon as defective in many Respects.

At the next Meeting of Assembly a new Regulation of Fees was framed with many material Alterations of the Old, and in the Course of that Session the Inspection Law fell.

p. 256 How this can afford, or even seem to afford, a strong Proof that the Opinion of the Legislature has long been that the old Table as it stood when the Inspection Law fell, was well adapted to the Purposes of it we shall leave to your Honours to explain. It is said that Deputy Commissaries were instituted by the Act of 1715 for the Ease and Convenience of the People to give them an Option of doing their Business at Home or at Annapolis but with no apparent View of diminishing the fees of the Commissary General. It may be asked whether publick Offices were erected for the Emolument of Officers or for the Benefit of the People? Were Deputies appointed with any apparent View of encreasing the Expence of the People by making them pay twice for the same Service? Or are they to pay for the Ease and Convenience afforded them by the Legislature? From the Expression in that Act that in the Case of pauper Estates the Commissary General shall have no fees it cannot be inferred that in all other Estates he shall be allowed to charge fees for Services not done. The Prohibition had been just as necessary if no such Charge as what is called the double Charge had ever been made; because without it the Commissary General would have charged his fees on that part of the Business which upon every Administration as well pauper as others must necessarily be transacted in his Office such as recording the Inventory &c.<sup>ta</sup> It is so repugnant to every Principle of Reason and Justice that an Officer shall be allowed to charge for a Service he does not perform and for which another is paid, that to reason about it, is to weaken if possible the self Evidence of the Proposition. Nothing but Usage can, in any sort, countenance a Charge so manifestly unjust, and tho' that practice may have been uninterrupted; yet it has nevertheless for many Years been a Subject of general Complaint; and it is a Matter of Wonder, that it has been so long submitted to by the People. In the Year 1753 this Point was again agitated, and an alteration in that, as well as other Respects attempted. The Sense of the Lower House was sufficiently shewn, by their Bill with these Alterations of the Table of Fees, tho' they were afterwards induced to come into the Amendments proposed by the Upper House.

The Fact is too notorious to be denied, that the Table of Fees under the first Inspection Law was then adopted and hath been



since continued not so much from the Impressions of the Propriety and just Proportion of the Reward to the Service, as from the Utility of that Bill in other Respects; and the Necessity of agreeing to an imperfect Table of Fees, or losing a Regulation of the Staple allowed on all Hands to be very beneficial to the People

L. H. J.  
Liber No. 54  
Nov. 18

The Interest of the Commissary General would be consulted by an Acceptance of what is now proposed, because we are fully convinced that in Case the Table should be passed in the Manner it formerly stood the double Charge would be disputed; and we are of Opinion would not be recovered in Case the Point should be fairly controverted before a Jury; and if the Table is not passed into a Law we know of no Action that would lie for a Quantum meruit where the Service is not done

We have already declared that we are not desirous of reducing the Offices below the Acceptance of Gentlemen of Abilities and Distinction and if upon the best Calculation we can make, any of them shall appear by the proposed Alterations to be reduced too low, we shall most readily, upon the present Conference increase the fees in such a Manner as that they may amount to a handsome and adequate Income.

But that no further Time may be thrown away in this Business, we must in the most explicit Manner declare it is our fixed unalterable Resolution not to consent to any Regulation unless Provision be plainly and effectually made against the Charge of the Commissary General for Services done by his Deputies, and for which they are paid; and the Charge for recording where that service is not done.

If therefore the Upper House do adhere to their Resolution of not admitting any further Reduction than what must necessarily result from the Election to be given to all Persons to pay in Money or Tobacco, and are of Opinion that the above Charges are agreeable to, and may be justified by, the old Table, nothing further can possibly be done. If, on the contrary, they are willing to explain and correct the Table in these particulars so as to prevent such Charges in future, we shall most chearfully proceed to take both the new and old Table under Consideration. p. 257

Daniel Dulany Esq.<sup>r</sup> from the Upper House delivers to M.<sup>r</sup> Speaker the Bill entitled An Act for the further Emission of Bills of Credit, and the following Message

By the Upper House of Assembly, Nov.<sup>r</sup> 18.<sup>th</sup> 1771.

Gentlemen,

Your Message of the 16.<sup>th</sup> Instant with the Bill entitled "An Act for the further Emission of Bills of Credit" seems to import . . . [The message beginning thus is printed in full in the Upper House Journal, pp. 34-35].

Ordered That the said Message be read and it was read accordingly

L. H. J. M.<sup>r</sup> Chase brings in and delivers to M.<sup>r</sup> Speaker a Bill entitled  
Liber No. 54 An Act for amending and declaring the Law in the Cases therein  
Nov. 18 mentioned. Which was read the first Time and ordered to lie on the  
p. 258 Table

The House adjourns till To-Morrow Morning 9 OClock

Nov. 19

Tuesday November 19.<sup>th</sup> 1771

The House met.

All Members present as on Yesterday, except M.<sup>r</sup> Thomas Wright  
(who is in Town unwell) and M.<sup>r</sup> Lloyd

The Proceedings of Yesterday were read.

M.<sup>r</sup> Chamberlaine, M.<sup>r</sup> Earle, M.<sup>r</sup> So. Wright, and M.<sup>r</sup> Gresham  
appeared in the House

The Petition of Christian Strowder is referred for Consideration  
on the tenth Day of the next Session of Assembly.

M.<sup>r</sup> Johnson brings in and delivers to M.<sup>r</sup> Speaker the following  
Report

By the Committee appointed to enquire into the Facts set forth  
in the Petition of Jane Ridgely.

November 19.<sup>th</sup> 1771

Your Committee have in Obedience to the Order of your Honble  
House examined into the ffacts set forth in the said Petition and find  
the same are true

Signed p Order John Courts Jones Cl Com.

Which was read.

And the Petition of Jane Ridgely was read and granted. Leave  
given to the Petitioner to bring in a Bill pursuant to the Prayer of  
the said Petition

The Petition of the Inhabitants of Saint Paul's Parish in Balti-  
more County is referred for Consideration on the second Monday in  
next Session.

M.<sup>r</sup> Ennalls hath Leave of Absence.

The House being informed that M.<sup>r</sup> William Ringgold a Delegate  
returned to serve in this present Session of Assembly for Kent  
County was attending at the Door.

Ordered, That M.<sup>r</sup> Gresham and M.<sup>r</sup> Buchanan do go with that  
Gentleman to the Upper House to see him qualified.

They return and acquaint M.<sup>r</sup> Speaker they saw him qualified in  
the usual Manner.

The Gentleman took his Seat in the House

William Hayward Esquire from the Upper House delivers to  
M.<sup>r</sup> Speaker the Bill entitled An Act empowering the Justices of

Prince George's and Charles Counties to levy on the taxable Inhabitants of Saint John's (commonly called King George's) Parish, in said Counties the Quantity of fifty six thousand Pounds of Tobacco for the Purposes therein mentioned thus indorsed "By the Upper House of Assembly Nov.<sup>r</sup> 16.<sup>th</sup> 1771 Read the first Time and ordered to lie on the Table.

L. H. J.  
Liber No. 54  
Nov. 19

Signed by Order U Scott Cl. Up. Ho."

"By the Upper House of Assembly November 19.<sup>th</sup> 1771 Read the second Time and will pass

Signed by Order U Scott Cl. Up. Ho."

Which was read here and past for ingrossing

On reading a second Time the Propositions brought in Yesterday by M.<sup>r</sup> Hall, the Question was put that the following Words Viz.<sup>t</sup> "And if upon the best Calculation we can make any of them shall appear by the proposed Alterations to be reduced too low we shall most readily upon the present Conference increase the fees in such a Manner as that they may amount to a handsome and adequate Income" be struck out?

Resolved in the Negative

For the Negative

Buchanan,	Ware,	Hall,	p. 259
Ringgold,	Hawkins,	Paca,	
Johnson,	Gale,	Tilghman,	
Chase,	Adams,	N. Thomas,	
Hammond,	W. Richardson,	Chamberlaine,	
Mackall,	Ennalls,	So. Wright,	
Smallwood,	Baxter,	Earle.	
Harrison,	Contee,		[23]

For the Affirmative

Gresham,	Deye,	Wootton,	
Worthington,	Ward,	Beatty,	
Weems,	Beall,	Hagar.	
Moale,	Tyler,		[13]
Risteau,	Luckett,		

M.<sup>r</sup> Paca brings in and delivers to M.<sup>r</sup> Speaker an Address to the Governor. Which was read and ordered to lie on the Table.

The Bill entitled An Additional Supplementary Act to the Act entitled An Act for the Establishment of Religious Worship in this Province according to the Church of England and for the Maintenance of Ministers was read a second Time and the Question was put that the said Bill be referred for Consideration next Session?

L. H. J.  
Liber No. 54  
Nov. 19

Resolved in the Negative

For the Negative

Gresham,	W Richardson,	N. Thomas,	
Buchanan,	Ennalls,	So. Wright,	
Worthington,	Baxter,	Wootton,	
Johnson,	Ward,	Beatty,	
Mackall,	Tyler,	Hagar.	
Gale,	Hall,		[19]
Adams,	Paca,		

For the Affirmative

Ringgold,	Harrison,	Beall,	
Chase,	Ware,	Contee,	
Hammond,	Hawkins,	Tilghman,	
Weems,	Risteau,	Earle.	
Smallwood,	Deye,		[14]

Then the Question was put that the said Bill do pass?

Resolved in the Affirmative

For the Affirmative

Gresham,	Adams,	Paca,	
Buchanan,	W Richardson,	N. Thomas,	
Worthington,	Ennalls,	So. Wright,	
Johnson,	Baxter,	Earle,	
Mackall,	Ward,	Wootton,	
Weems,	Beall,	Beatty,	
Ware,	Tyler,	Hagar.	
Hawkins,	Contee,		[25]
Gale,	Hall,		

For the Negative

Ringgold,	Smallwood,	Deye,	
Chase,	Harrison,	Tilghman.	
Hammond,	Risteau,		[8]

The Bill entitled An Act for amending and declaring the Law in the Cases therein mentioned was read the second Time and committed for Amendment.

The House adjourns till To-Morrow Morning 9 O'Clock



Wednesday November 20.<sup>th</sup> 1771

L. H. J.  
Liber No. 54  
Nov. 20

The House met.

All Members present as on Yesterday except M.<sup>r</sup> Ennalls.

The Proceedings of Yesterday were read

M.<sup>r</sup> Risteau brings in and delivers to M.<sup>r</sup> Speaker the following Report

By the Committee appointed to enquire into the Expenditure of the Money granted for building a Court House and Prison in the Town of Baltimore in Baltimore County.

November the 20.<sup>th</sup> 1771

Your Committee beg Leave to report to your Honourable House that it appears to your Committee that the Sum of One thousand nine Hundred and sixty three Pounds nineteen Shillings and ten Pence hath been received by the Commissioners appointed by the Act of Assembly for building the said Court House and Prison on Account of the Tax imposed on the Inhabitants of that County, and that the further Sum of seven hundred and fifty Pounds seventeen Shillings hath been received by them for Subscriptions amounting together to two thousand seven hundred and fourteen Pounds sixteen Shillings and ten Pence. That One hundred and thirteen pounds twelve Shillings and six Pence is still outstanding due from the Subscribers who are thought solvent and forty eight Pounds two Shillings and six Pence from Subscribers who are thought to be insolvent. That the Sum of two thousand seven hundred and seventy six Pounds seventeen Shillings and Nine Pence hath been expended by the said Commissioners and actually paid by them in and about the Purposes aforesaid which is evidenced by a proved Account of the said Commissioners laid before your Committee and that there are still some Accounts not yet paid or brought in with which they stand chargeable. So that it appears to your Committee that the said Commissioners have actually paid and advanced sixty two Pounds and Eleven Pence more than they have actually received. Your Committee further beg Leave to make known to your Honble House that after the Prison was finished and the Night before it was to have been delivered to the Sheriff the same was burnt down and hath been since rebuilt and delivered to the Sheriff and that the Walls of the first Story of the Court House are carried up but the Joists not on. Some of the Materials for further prosecuting the Building of the Court-House being already purchased and many Materials necessary for compleating it being still wanting. p. 260

All which is humbly submitted to the Consideration of your Honble House

Signed p Order John Courts Jones Cl. Com.

Which was read a first and second Time and the House was moved that Leave be given to bring in a Bill to levy on the taxable In-

L. H. J. habitants of Baltimore County the Quantity of three hundred thou-  
 Liber No. 54 sand Pounds of Tobacco for finishing and compleating the Court-  
 Nov. 20 House and Prison of the said County.

Upon Consideration whereof after some Debate Resolved That Leave be given to bring in the said Bill and M.<sup>r</sup> Moale, M.<sup>r</sup> Risteau, M.<sup>r</sup> Deye and M.<sup>r</sup> Paca are appointed a Committee for that Purpose

The ingrossed Bill N.<sup>o</sup> 27 was read and assented to and sent to the Upper House with the Bill entitled An Additional Supplementary Act to the Act entitled an Act for the Establishment of Religious Worship in this Province according to the Church of England and for the Maintenance of Ministers by M.<sup>r</sup> Mackall and M.<sup>r</sup> Contee

The Report brought in on Saturday last by M.<sup>r</sup> Harrison was read a second Time

Daniel of Saint Thomas Jenifer Esq. from the Upper House delivers to M.<sup>r</sup> Speaker the Paper Bill N.<sup>o</sup> 27 thus indorsed “By the Upper House of Assembly Nov.<sup>r</sup> 20.<sup>th</sup> 1771 The ingrossed Bill whereof this is the Original read and assented to.

Signed by Order U Scott Cl. Up. Ho.”

And the ingrossed Bill N.<sup>o</sup> 28 thus indorsed “By the Upper House of Assembly Nov.<sup>r</sup> 20.<sup>th</sup> 1771 Read and assented to.

Signed by Order U Scott Cl. Up. Ho.”

Which was read here and assented to

John Ridout Esq.<sup>r</sup> from the Upper House delivers to M.<sup>r</sup> Speaker a Petition of George Frazier Hawkins, praying An Act may pass empowering him to sell certain Lands of John Stone Hawkins, late of Prince George’s County deceased for the Payment of the Debts of the said John Stone Hawkins and to reimburse him certain Sums he had advanced for the Payment of Part of the said Debts Which was read. Ordered, That the same be referred to the Consideration of a Committee and that they do examine the Matter thereof and report the same as it shall appear to them to the House and M.<sup>r</sup> Beall, M.<sup>r</sup> Tyler, M.<sup>r</sup> Contee, and M.<sup>r</sup> Hall are appointed a Committee accordingly and they have power to send for Persons Papers and Records

p. 261 George Steuart Esq.<sup>r</sup> from the Upper House delivers to M.<sup>r</sup> Speaker a Petition of John Deavor for and on Behalf of William Fell an Orphan Son of Edward Fell late of Baltimore County deceased Which was read and referred for Consideration on the second Thursday in next Session

M.<sup>r</sup> Wootton brings in and delivers to M.<sup>r</sup> Speaker a Bill entitled An Act directing the manner of punishing Fornication and Adultery before a single Justice of the Peace out of Court: Which was read the first Time and ordered to lie on the Table

A Bill entitled An Act to enable the Executors of Thomas Colvill

to convey the Land therein mentioned was read a first and second Time by an especial Order, passed, and sent to the Upper House with the Paper Bill N.<sup>o</sup> 28 by M.<sup>r</sup> Smallwood and M.<sup>r</sup> Moale

L. H. J.  
Liber No. 54  
Nov. 20

The Bill entitled An Act for amending and declaring the Law in the Cases therein mentioned was read with the Amendments for which it had been committed, passed, and sent to the Upper House by M.<sup>r</sup> Paca and M.<sup>r</sup> Chase.

Benedict Calvert Esq.<sup>r</sup> from the Upper House delivers to M.<sup>r</sup> Speaker the Bill entitled An Act to enable the Executors of Thomas Colvill to convey the Land therein mentioned thus indorsed "By the Upper House of Assembly Nov.<sup>r</sup> 20.<sup>th</sup> 1771 Read the first and second Time by an especial Order and will pass

Signed by Order U Scott Cl Up Ho."

Which was read here and passed for ingrossing

The Bill entitled An Act to regulate the Criminal Business of Baltimore County is referred for Consideration next Session of Assembly.

The Bill entitled An Act for the Relief of the Sufferers at Bladensburgh Ware-House was read a second Time and the Question was put that the said Bill do pass? Resolved in the Affirmative

For the Affirmative

Worthington,	Hawkins,	Hall,
Hammond,	Moale,	Tilghman,
Weems,	Ward,	Chamberlaine,
Smallwood,	Beall,	T. Wright,
Harrison,	Tyler,	Wootton,
Ware,	Contee,	Beatty.

[18]

For the Negative

Gresham,	Adams,	Thomas,
Buchanan,	Richardson,	Earle,
Johnson,	Risteau,	Luckett,
Chase,	Deye,	Hagar.
Mackall,	Baxter,	
Gale,	Paca,	

[16]

Sent to the Upper House by M.<sup>r</sup> Beall and M.<sup>r</sup> Contee

A Bill entitled An Act to empower Elizabeth Williams Adm<sup>x</sup> of George Williams with the Will annexed to make and execute the Conveyances therein mentioned was read a first and second Time by an especial Order, passed and sent to the Upper House by M.<sup>r</sup> So. Wright and M.<sup>r</sup> Moale.

L. H. J. M.<sup>r</sup> Moale brings in and delivers to M.<sup>r</sup> Speaker a Bill entitled An  
 Liber No. 54 Act to levy on the taxable Inhabitants of Baltimore County the  
 Nov. 20 Quantity of three hundred thousand Pounds of Tobacco for finishing  
 and compleating the Court-House and Prison of the said County.  
 Which was read the first and second Time by an especial Order,  
 passed, and sent to the Upper House by M.<sup>r</sup> Deye and M.<sup>r</sup> Risteau.

M.<sup>r</sup> Hall from the Conference delivers to M.<sup>r</sup> Speaker the follow-  
 ing Paper

Tho' the very indeterminate Manner, in which you have mentioned  
 the Clergy, . . . [*The paper beginning thus is printed in full in  
 the Upper House Journal, pp. 53-57*].

p. 264 Which was read

The House adjourns till To-Morrow Morning half after Eight  
 O'Clock

Nov. 21 Thursday November 21.<sup>st</sup> 1771

The House met.

All Members present as on Yesterday.

The Proceedings of Yesterday were read.

M.<sup>r</sup> Hall brings in and delivers to M.<sup>r</sup> Speaker the following  
 Report

By the Committee appointed to enquire into the Truth of the Facts  
 contained in the Petition of George Frazier Hawkins surviving  
 Executor of John Stone Hawkins deceased

In Obedience to the Order of the Honourable House your Com-  
 mittee have enquired into the ffacts afd & do find that the said John  
 Stone Hawkins by his last Will and Testament dated 25.<sup>th</sup> Day of  
 November seventeen hundred and sixty three devised part of his  
 real Estate to be sold for Payment of Debts and all the Remainder  
 of his Lands or real Estate he gave to his Daughter Susannah Priscilla  
 in Tail with divers Remainders over and thereby appointed the Peti-  
 tioner and a certain George Frazier since deceased his Executors.  
 That the said Susannah Priscilla is still living a Minor under the Age  
 of twelve Years. And your Committee further find that by the last  
 Settlement made with the Commissary General (including an Allow-  
 ance of One thousand Pounds Maryland Currency for Lands sold) it  
 appears that there is a Balance due to the said George Frazier Haw-  
 kins Executor as aforesaid of fourteen hundred and sixty six Pounds  
 nineteen Shillings and seven Pence Gold Currency; and your Com-  
 mittee have examined the said Settlement and find it right except  
 an Error of a few Shillings in casting up which reduces said Balance  
 to fourteen hundred and sixty six Pounds three Shillings and five  
 Pence Current Money aforesaid

It does not appear to your Committee that there is any other Estate



of the said John Stone Hawkins liable to Payment of Debts except the Land mentioned in the said Petition All which is submitted to the Consideration of the Honble House

L. H. J.  
Liber No. 54  
Nov. 21

Signed p Order Jn.<sup>o</sup> Courts Jones Cl Com.

Which was read, and the Petition of George Frazier Hawkins was read and granted; and Leave given to the Petitioner to bring in a Bill pursuant to the Prayer of the said Petition

M.<sup>r</sup> Smallwood, M.<sup>r</sup> Gale and M.<sup>r</sup> Beatty have Leave of Absence

Daniel Dulany Esq.<sup>r</sup> from the Upper House delivers to M.<sup>r</sup> Speaker the Bill entitled An Act to levy on the taxable Inhabitants of Baltimore County the Quantity of three hundred thousand Pounds of Tobacco for finishing and compleating the Court House and Prison of the said County And a Bill entitled An Act to empower Elizabeth Williams Administratrix of George Williams with the Will annexed to make and execute the Conveyances therein mentioned severally indorsed "By the Upper House of Assembly November 20.<sup>th</sup> 1771 Read the first Time and ordered to lie on the Table

p. 265

Signed by Order U Scott Cl. Up Ho"

"By the Upper House of Assembly Nov.<sup>r</sup> 21.<sup>st</sup> 1771 Read the second Time & will pass

Signed by Order U Scott Cl Up Ho"

Which Bills were read here and passed for engrossing

Also the Bill entitled An Act for amending and declaring the Law in the Cases therein mentioned thus endorsed "By the Upper House of Assembly Nov.<sup>r</sup> 20.<sup>th</sup> 1771 Read the first Time and ordered to lie on the Table

Signed by Order U Scott Cl Up Ho."

"By the Upper House of Assembly November 21.<sup>st</sup> 1771 Read the second Time and will pass with the following Amendments Viz.<sup>t</sup> Leave out the Word "*impleaded*" in the 17.<sup>th</sup> Line of the 17.<sup>th</sup> Page and insert the Words "*affected by such Division*" and leave out the last enacting Clause in the same Page.

Signed by Order U Scott Cl. Up. Ho.

And a Petition of John Steuart and Duncan Campbell praying that an Act may pass to enable Sarah Steuart Widow and Executrix of Alexander Steuart late of Baltimore County deceased to sell certain Lotts in the said Petition mentioned for the Payment of the Debts of the said Alexander Steuart.

John Ridout Esq.<sup>r</sup> from the Upper House delivers to M.<sup>r</sup> Speaker the Bill entitled An Additional Supplementary Act to the Act entitled An Act for the Establishment of Religious Worship in this Province according to the Church of England and for the Maintenance of

L. H. J. Ministers thus indorsed “By the Upper House of Assembly Nov.<sup>r</sup>  
Liber No. 54 20.<sup>th</sup> 1771 Read the first Time and ordered to lie on the Table.  
Nov. 21

Signed by Order U Scott Cl Up Ho.

“By the Upper House of Assembly Nov.<sup>r</sup> 21.<sup>st</sup> 1771 Read the second Time and will pass with the Amendment annexed

Signed by Order U Scott Cl Up Ho”

Let the Proviso beginning at the third Line from the Bottom of the fifth Page be amended so as to be to the following Effect Viz.<sup>t</sup> “And provided also that if any such benificed Minister shall not appear before the Commissioners aforesaid but shall wilfully and contumaciously make Default after Personal Notice of the Time and Place of such Inquiry or make such Default after a Note under the Hand of the said Commissioners specifying the Time and Place of such Inquiry shall have been set up and affixed at his Parish Church Door One Month at the least before such Inquiry then and in every such Case the Commissioners aforesaid shall proceed in their Inquiry in the same Manner as in the Case of the Personal Appearance before them of such Minister”

And a Petition of Alexander Symmer of Prince George’s County praying an Act to pass for his Relief so far as to secure his Effects and Person from Arrests and Law suits for a Term not exceeding ten years in Order to enable him to support himself and ffamily consisting of five young Children

The Address to his Excellency was read a second Time; and the Question was put that the House agree to the same

Resolved in the Affirmative

For the Affirmative

Buchanan,	Adams,	Tilghman,
Ringgold,	Richardson,	Thomas,
Worthington,	Moale,	Chamberlaine,
Johnson,	Risteau,	T. Wright,
Chase,	Deye,	So. Wright,
Mackall,	Ward,	Earle,
Weems,	Beall,	Lockett,
Smallwood,	Tyler,	Wootton,
Harrison,	Contee,	Beatty,
Ware,	Hall,	Hagar.
Hawkins,	Paca,	

[32]

For the Negative

Gresham,	Hammond,	Baxter.
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[3]

Ordered, That the said Address be ingrossed  
The House adjourns till To Morrow Morning 9 O'Clock

L. H. J.  
Liber No. 54  
Nov. 21

Friday November 22.<sup>d</sup> 1771

Nov. 22  
p. 266

The House met.

All Members present as on Yesterday except M.<sup>r</sup> Gale.

The Proceedings of Yesterday were read.

M.<sup>r</sup> Grahame appeared in the House

The Bill entitled An Act for amending and declaring the Law in the Cases therein mentioned was read with the Amendments proposed by the Upper House, and the Amendments were agreed to, and the Bill passed for ingrossing.

The Bill entitled An Additional Supplementary Act to the Act entitled An Act for the Establishment of Religious Worship in this Province according to the Church of England and for the Maintenance of Ministers was read; and the Amendment proposed by the Upper House was read, and agreed to, and the Bill passed for ingrossing

The Petition of the Trustees for the Poor in Ann Arundel County was read a second Time; and, On Motion, Leave given to bring in a Bill relating to the Levy and Poor of Ann Arundel County. Ordered, That M.<sup>r</sup> Chase and M.<sup>r</sup> Worthington do prepare and bring in the same

M.<sup>r</sup> Chase brings in and delivers to M.<sup>r</sup> Speaker the said Bill. Which was read the first Time and ordered to lie on the Table.

A Bill entitled An Act to impower Jane Ridgely, Executrix of Nicholas Greenberry Ridgely late of Ann Arundel County deceased to convey the Land therein mentioned was read the first and second Time by an especial Order, passed, and sent to the Upper House by M.<sup>r</sup> Wootton and M.<sup>r</sup> Tyler

A Bill entitled An Act for the directing the Sale of the Lands of John Stone Hawkins late of Prince George's County deceased for the Payment of the Debts of the said John Stone Hawkins was read the first and second Time by an especial Order, passed, and sent to the Upper House, with the ingrossed Bills N.<sup>o</sup> 29, 30 by M.<sup>r</sup> Moale and M.<sup>r</sup> Contee.

The Petition of John Stewart [Steuart?] and Duncan Campbell was read

Ordered, That the same be referred to the Consideration of a Committee and that they do examine the Matter thereof and report the same as it shall appear to them to the House and M.<sup>r</sup> Moale, M.<sup>r</sup> Risteau, M.<sup>r</sup> Deye and M.<sup>r</sup> Johnson are appointed a Committee accordingly; and they have power to send for Persons Papers and Records.

L. H. J.      The Petition of Alexander Symmer was read the first and second  
Liber No. 54      Time and rejected  
Nov. 22

Benedict Calvert Esq.<sup>r</sup> from the Upper House delivers to M.<sup>r</sup> Speaker the Paper Bills N.<sup>o</sup> 29, 30 severally indorsed “By the Upper House of Assembly November 22.<sup>d</sup> 1771. The ingrossed Bill whereof this is the Original read and assented to

Signed by Order U Scott Cl. Up. Ho.”

And the Bill entitled An Act to impower Jane Ridgely Exx of Nicholas Greenberry Ridgely late of Ann Arundel County deceased to convey the Land therein mentioned thus indorsed “By the Upper House of Assembly Nov.<sup>r</sup> 22.<sup>d</sup> 1771 Read the first and second Time by an especial Order and will pass

Signed by Order U Scott Cl Up. Ho”

Which last mentioned Bill was read here and passed for ingrossing M.<sup>r</sup> Paca brings in and delivers to M.<sup>r</sup> Speaker the following ingrossed Address

To his Excellency Robert Eden Esq.<sup>r</sup> Governor of Maryland  
The humble Address of the House of Delegates

May it please your Excellency,

p. 267      Our indispensable Duty to check the Exercise of such Powers as are incompatible with the permanent Security of Property, and the constitutional Liberty of the Subject has constrained us in the Course of this Session to take into our Consideration your Excellency’s Proclamation of the 26.<sup>th</sup> Day of November last relative to Officers fees and the Instruction of the 24.<sup>th</sup> Day of the same Month under the great Seal ascertaining the fees of the Land Office and on the most sedate Reflection we have come into several Resolutions Copies of which we now beg Leave to lay before you.

The like Proclamation published in the Year 1733 agitated and disjointed this Province till the Year 1747 and the Evils which were thereby occasioned ought strongly to have dissuaded from any Attempt again to exercise such Power. When from some Proceedings in the Land Office in the Time of the last Assembly the late Lower House were apprehensive that Government entertained a Design in Case the several Branches of the Legislature should not agree in the Regulation of Officers fees to attempt establishing them by Proclamation, they, in an Address to your Excellency, asserted “the Proprietary has no Right, Sir, either by himself or with the Advice of his Council to establish or regulate the fees of Office, and could we persuade ourselves you could possibly entertain a different Opinion we should be bold to tell your Excellency that the People of this Province ever will oppose the Usurpation of such Right”; to which your Excellency was pleased to answer in your Message of the 20.<sup>th</sup> Day of November “that his Lordship’s Authority had not yet inter-



posed in the Regulation of the fees of Officers nor had you any Reason to imagine that it would interpose in such a Manner as to justify a regular Opposition to it." From whence your Excellency's Declaration in the same Message "that it had been the Object of your anxious Attention and was your very earnest Wish to cultivate an amicable Understanding with the Representatives of the People of Maryland with the Assurance that you should on every Occasion pay a due Regard to their Rights and that you should never countenance the illegal Exactions of any Officers nor submit to any Usurpation which might essentially endanger that constitutional Balance of counteracting Powers so necessary to the Protection of the People and the Preservation of the Public Peace." The good People of this Province although they might commend the Solicitude of their Delegates had great Reason to imagine their Apprehensions were ill grounded, especially when it was remembered, that your Excellency in your first Speech to the late Assembly, was pleased to express that you were sensible you should be judged of by your Actions and not by any Assurances you might then give the two Houses of your future Conduct; to which Test you most readily submitted. But after the Sense of the late House so plainly expressed and within a shorter Time after your Excellency's last Message to that House than the Resolution could well be formed, your Excellency's Proclamations were distributed and published, altogether as we apprehend unconstitutional in the Matter, and shadowed in the Manner with the assigned Reason to prevent Extortion by the Officers, in Imitation of the Practice of arbitrary Kings, who in their Proclamations, which have been declared illegal, generally covered their Designs with the specious Pretence of Public Good.

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Your Excellency in your said Message having been pleased to tell the late Lower House "His Lordship has, I think, the clearest Right to dispose of his real Estate upon such Terms as he may think proper; to direct the formal Observance in making Titles to his Grants and to settle and regulate the Reward his Officers in this Department may demand and receive," and your Excellency having been pleased to pass a separate Instrument under the great Seal, avowedly for the Purpose of ascertaining the fees of the Land Office, and in the Proclamation respecting Officers fees in general having published that the fees of the Land Office were under a separate Regulation; a Question of momentous Concern to the People of this Province may arise, whether the Land Office is a publick or private Office? The professed Intention of the Crown, in the Grant of this Province to his Lordship's noble Ancestor was "for extending the Christian Religion and also the Territories of the English Empire" And though his Lordship might dispose of his Lands upon such reasonable Terms, as he might think proper, and direct formal Observances in making Titles to his Grants, so as to further the Increase and

p. 268

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Settlement of the Province yet we cannot but be of Opinion, that after the Publication of the Conditions of Plantations, that which before was uncertain and to be governed by what was reasonable having Regard to the Motives and Ends of the Grant was thereby ascertained and a permanent Interest vested in the Subject, in the Conditions and Terms thus published, which cannot be rescinded by the Proprietary at his Pleasure. If the Land Office was considered as a mere private Office we do not see with what Propriety the Law in the Year 1716 could pass to burthen the Public for transcribing and repairing the Records in that Office or to require that Bond with Security should be given for Preservation of the Records, and for the Supply of Materials to make up the Records of after Transactions, therein providing that for every Breach the Person particularly injured thereby might sue such Bond for recovering Damages; and that the Lower House of Assembly, or the Provincial Court might cause the Bond to be put in Suit for the securing the Public from all Charges and Expences that should be necessary for the putting and preserving the Records in Repair; and equally improper must have been the Supplementary Act passed in 1742. The Land Office, Sir, is the publick Repository of the first and most necessary Evidence of every Man's Title to his real Estate in this Province; The whole Records have been made up, so far as we can trace, at the Expence of the People. These Records have been considered as publick Records, kept under Securities appointed by Acts of Assembly; and Office Copies are constantly received and admitted as Evidence by the Courts of Justice. It very much concerns the Land-Holders in this Province, to know by what Tenure they hold their Estates; if they have no Right to recur to the Land Office Records and have Copies but at the Will of his Lordship or on the Terms his Lordship may be pleased to allow them, they indeed are in all Cases, where Copies are necessary to evidence their Titles, only Tenants at the Will of the Proprietor and those necessary Copies may be withheld till the Proprietor receives the Profit of another Sale.

The necessary Construction of the Proclamation with Regard to the other Officers, is in our Apprehension, an affirmative Allowance to receive the Quantums regulated by the late Inspection Law. When your Excellency authorised the Registers of the Land Office to receive the respective Quantums enumerated in your Instruction to them, and which were allowed and limited by the late Regulation, without an express Prohibition against receiving more; we fairly presume that, you meant an Allowance of so much, and as much more as they could extort. And when your Excellency by your Proclamation prohibited the Officers from taking other or greater fees than limited and allowed by the late Regulation, you certainly must have meant a Prohibition against taking more, and an implied Allowance of so much. Besides, so much by your Proclamation is

not Extortion, and therefore on this Supposition may be demanded & taken.

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This Consequence results from the very Nature of Extortion, which is "taking of Money by any Officer by Colour of his Office, either where none at all is due, or not so much is due, or where it is not yet due." From this Definition of Extortion it is obvious, that what is due must be settled, before the Excessiveness of the fee actually received can be adjudged Extortion; and most certainly when settled may be legally demanded and taken by the Officer; and the Proposition is equally plain, that what is due upon a Service done cannot be ascertained without the Consequence of ascertaining what would be Extortion in that particular Case; and *vice Versa*, what would be Extortion in any Instance, cannot be ascertained without previously ascertaining what is due. But your Excellency's Proclamation adopts the expired Regulation as the Criterion of Extortion, and therefore evinces, beyond a Possibility of Doubt, an implied allowance to charge to the Extent of that Regulation. p. 269

On recurring to the late Inspection Law which limited the Officers fees, we find that the Words of that Act are "That no Officer or Officers, hereafter mentioned in this present Act, their Ministers, Servants or Deputies, by Reason or Colour of his or their Office or Offices, shall have, receive, or take, of any Person or Persons, directly or indirectly, any other or greater fees which shall become due, after the last Day of November in the Year 1763, than by this Act are hereafter limited and allowed to the several Officers hereafter mentioned." Which Expressions every Body knows have always been construed, an implied affirmative Allowance of the fees; and when your Excellency has been pleased to issue a Proclamation, in the very same Words, we cannot but conclude, that you must [have] had the same Idea affixed to them, as was universally affixed to those Words, in the Act from whence they were copied. But even should we be mistaken in our Conjectures, that you intended to restrain the Registers of the Land Office, from charging more than allowed to them by your Excellency's Regulation; or that you intended to give an implied affirmative Allowance to the other Officers to charge to the Extent of the late Regulation, under the Inspection Law, your Excellency certainly thought, when you prohibited the Charging any other or greater fees, than by the late Inspection Law were limited and allowed, under Pain of your Displeasure, that greater fees were excessive; and from your own Reasoning in your Message before mentioned, "a Right to determine the Charges of fees excessive, implies the Right to settle the exact Compensation due for the Services performed; because without the Standard, what fees are adequate, what are more or less, than the just Proportion, cannot be ascertained"; Or if greater fees are not excessive, you have attempted by your Proclamation, illegally to restrain the Officers, from



L. H. J. charging so much as they might rightfully charge, and thereby broke  
 Liber No. 54 in upon the Right of the Subject, and to which every Subject  
 Nov. 22 (whether in or out of Office) is as well entitled as any; and the  
 heavy Pain of your Displeasure may be incurred by those who com-  
 mit no Offence.

Having, as we hope, evinced to your Excellency's entire Satis-  
 faction, that the Land Office is not a mere private, but a public Office,  
 in which the Subjects here have a fixed and legal Interest; and  
 stripping your Excellency's Proclamation of the ostensible Reason  
 for issuing it, that it stands in it's Intention and Construction, as  
 an implied Affirmative Allowance for the charging of Officers ffees,  
 agreeable to the late Regulation; permit Us, Sir, to lay before you  
 some of the Grounds and Reasons, which induce us to think your  
 Excellency has attempted to exercise the Power, which can be con-  
 stitutionally exercised only by the Legislature. By the Common Law,  
 the Officers of Justice were not intitled to any Reward from the Sub-  
 ject for their Services; they were originally paid by the King out  
 of the Crown Revenues. In Process of Time, Statutes were made  
 for the Establishment and Regulation of Fees. But in our Re-  
 searches, we do not find a single Instance of any Proclamation  
 for levying the Salaries or ascertaining the ffees of Officers.

Property, in the very Nature of it, is an exclusive Right. Under  
 this Idea, our happy Constitution, anterior to any Statute extant,  
 equitably and justly provided, that the People only should be capable  
 of giving their own Property; and therefore no Tax could be im-  
 posed upon them, but with their own Consent, given personally, or  
 by their Representatives. This Principle of the English Constitution  
 hath been declared, confirmed, and secured by divers Statutes; one  
 of them, that of the 34.<sup>th</sup> of Edward the First, *De Tallagio non con-*  
*cedendo*, permit us to mention. On which Statute Lord Coke in his  
 second Institute 532, 3, 4, observes, That "Tallagium is a general  
 Word, and doth include all Subsidies, Taxes, Tenths, Fifteenths,  
 Impositions and other Burthens, or Charge put or set upon any Man.  
 That within this Act are all new Offices erected with new Fees, or  
 old Offices with new ffees, for that is a Tallage put upon the Subject  
 which cannot be done without common Consent by Act of Parlia-  
 ment. That the Words of this Act are general so as all Tallages,  
 Burthens or Charges put upon the Subject by the King, either to or  
 for the King or to or for any Subject by the King's Letters Patents,  
 or other Commandment or Order, is prohibited by this Act unless it  
 be by common Consent of Parliament. That the Words are in the  
 Disjunctive (*ponatur seu levetur*) so as if it be set by the King, altho'  
 it be not levied by him, but by a Subject, as it was in the Cases above-  
 said, it is within the Purview of this Statute." We find nothing to  
 impeach the Authority of Lord Coke; but on the contrary, he is cited  
 with Approbation by the late Writers upon that Subject.



From these Authorities we think ourselves well justified in asserting that the fees of Office are a Tax upon the Subject. The good People of this Province are undoubtedly intitled, as English Subjects, to all the Rights, Liberties, Privileges and Immunities of his Majesty's liege Subjects, born and residing within his Kingdom of England, and therefore need not recur to the Royal Charter of this Province for the Establishment of their Rights, Liberties and Privileges. But had your Excellency, and the Council adverted to it we apprehend the 7.<sup>th</sup> Section of the Charter which grants to Cæcilius Baron of Baltimore and his Heirs for the good and happy Government of this Province, free, full, and absolute Power "to ordain, make, and enact Laws of what kindsoever according to their sound Discretion whether relating to the public State of the Province, or the private Utility of Individuals, *of and with the Advice, Assent and Approbation of the Freemen of the same Province, or of the greater Part of them, or of their Delegates or Deputies*, whom we will shall be called together for the framing of Laws when and as often as need shall require by the aforesaid now Baron of Baltimore and his Heirs and in the Term &c.<sup>ta</sup>" would have most clearly pointed out a Necessity for the Consent of the Delegates, to this or any other Legislative Act: and the Eighth Section, which follows, "And forasmuch as in the Government of so great a Province, sudden Accidents may frequently happen, to which it will be necessary to apply a Remedy before the freeholders of the said Province, their Delegates or Deputies can be called together, for the framing of Laws; neither will it be fit, that so great a Number of People should immediately, on such emergent Occasion, be called together. We therefore, for the better Government of so great a Province, do will and ordain, and by these presents for Us, our Heirs and Successors do grant unto the said now Baron of Baltimore, and to his Heirs by themselves or by their Magistrates and Officers thereunto duly to be constituted as aforesaid, may, and can make and constitute fit and wholesome *Ordinances* from Time to Time to be kept and observed, within the Province aforesaid, as well for the Conservation of the Peace, as for the better Government of the People inhabiting therein, and publickly to notify the same to all Persons whom the same, in any wise, do or may affect. Which *Ordinances* we will to be inviolably observed within the said Province, under the Pains to be expressed in the same; so that the said *Ordinances* be consonant to Reason, and be not repugnant nor contrary; but (so far as conveniently may be done) agreeable to the Laws, Statutes or Rights of our Kingdom of England; and so that the *same Ordinances* do not, *in any Sort*, extend or *oblige, bind, charge*, or take away, the Right or Interest of any Person or Persons, of, or in Member, Life, Freehold, *Goods* or *Chattels*, would most certainly, as it was designed, have had the Force of a Prohibition against this Exercise

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L. H. J. of an unwarranted Power. We find in the Lower House Journal of  
 Liber No. 54 May Session 1692 the following Entries: "Voted by the House,  
 Nov. 22 *nemine contradicente*, that it is the undoubted Right of the Freemen  
 of this Province not to have *any fees* imposed upon them but by  
 the Consent of the Freemen in a general Assembly"

"M<sup>r</sup> Speaker with the rest of the Members appointed go up to the  
 Council Chamber upon the Conference appointed Saturday last  
 where they were admitted

M<sup>r</sup> Speaker acquaints his Excellency, that he was appointed by  
 the House, with several other Gentlemen to attend their Honours to  
 give them Satisfaction in relation to the Message sent them on  
 Saturday, and as to the greatest Part of the said Message he was  
 ready to comply with their Honours therein. But as to that Part  
 relating to Officers fees, that the House had given him a Charge to  
 acquaint their Honours that they had fully searched into that Matter  
 and understanding all Things pertinent to that Question, have unani-  
 mously declared, that it is the undoubted Right of the Freemen of  
 this Province that no *Officers fees* ought to be imposed upon them,  
 but by the Consent of the Representatives in an Assembly, and that  
 this Liberty was established and ascertained by several Acts of Parlia-  
 ment, the Authority of which is so great, as to receive no Answer  
 but by Repeal of the said Statutes, and produced the same with  
 several other Authorities; To which the Governor's Answer was, that  
 his Instructions from his Majesty was to *lessen* and *moderate* the  
 Exorbitancy of them, and not to *settle* them; to which M<sup>r</sup> Speaker  
 replied, that they were thankful to his Majesty for the same, but  
 withal desired, that *no fees* might be *lessened* or *advanced*, but by  
 the Consent of the Assembly to which the Governor agreed."

And among the Acts passed that Session we find one entitled "An  
 Act for Limitation of Officers fees"; and one entitled "An Act for  
 limiting the County Clerk's fees within this Province," which regu-  
 lated and established the fees of Officers. These solemn and de-  
 liberate Proceedings, was the Case otherwise doubtful, would, we  
 apprehend, be decisive. Permit us to entreat your Excellency to  
 review this unconstitutional Assumption of Power, and consider  
 its pernicious Consequences. Applications to the publick Offices are  
 not of *Choice* but *Necessity*. Redress cannot be had for the smallest  
 or most atrocious Injuries, but in the Courts of Justice: and as  
 surely as that Necessity does exist, and a binding force in the  
 Proclamation or the Regulation of fees in the Land Office be ad-  
 mitted, so certainly must the fees thereby established be paid, in  
 Order to obtain Redress. In the Sentiments of a much approved  
 and admired Writer, suppose the fees imposed by this Proclamation  
 could be paid by the good People of this Province, with the utmost  
 Ease, and that they were the most exactly proportioned to the  
 Value of the Officers Services, yet even in such a supposed Case,

this Proclamation ought to be regarded with Abhorrence; for who are a free People? Not *those* over whom Government is reasonably and equitably exercised, but *those* who live under a Government so constitutionally checked and controuled that proper Provision is made against its being *otherwise exercised*. This Act of Power is founded on the Destruction of this constitutional Security. If Prerogative may rightfully regulate the fees agreeable to the late Inspection Law, it has a *Right* to fix any other Quantums; if it has a *Right* to regulate to one Penny, it has a *Right* to regulate to a Million; for where does its Right stop? At any given Point? To attempt to limit it's Right, after granting it to exist at all, is as contrary to Reason, as granting it to exist at all is contrary to Justice; if it has any Right to tax Us, then whether our own Money shall continue in our own Pockets, or not, depends no longer on Us, but on the Prerogative; there is nothing we can call our own; and in the Words of a Light and Ornament of the present Age, my Position is this. I repeat it again. I will maintain it to my last Hours Taxation and Representation are inseparable. This Position is founded on the Laws of Nature; it is more it is itself an eternal Law of Nature; for whatever is a Man's own, is absolutely his own; no Man hath a Right to take it from him without his Consent, either expressed by himself or his Representative; whoever *attempts* to do it attempts an *Injury*; whoever *does* it, commits a *Robbery*. He throws down the Distinction between Liberty and Slavery. The Forefathers of the Americans did not leave their native Country, and subject themselves to every Danger and Distress, to be reduced to a State of Slavery. They did not give up their Rights; for should the *present Power* continue, there is nothing which they can call their own: Or in the Words of M.<sup>r</sup> Locke, "*What Property have they in that which another may by Right take when he pleases, to himself?*"

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When we reflect, Sir, that you came to this Government with every Motive to wish the Prosperity of the Province; when we reflect, that you have omitted no Opportunity of declaring an Attachment to the Constitution, and a Regard for the Rights and Liberties of the Inhabitants; and that you have repeatedly expressed a Willingness to concur, in Regulations tending to advance this Country, we are desirous of indulging the fond Hope that you have not the least Inclination to unite the *Legislative* and *Executive* Authorities, "*the Will to ordain and the Power to enforce it, in the same Person, as thereby a Tyranny would be established*"; and though your Excellency, with the Advice of his Lordship's Council of State, issued the Proclamation and also passed the Instrument under the Great Seal establishing the fees in the Land Office, after having put on your Guard by the late Lower House, who had strongly objected against a Continuance of the late Regulation of fees, not only be-



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cause it was in some Particulars exorbitant, but for that, too many great Abuses had been committed by the Officers in their Charges, which could be palliated only from the Doubtfulness of the Expression in the Tables, and therefore submitted to the Loss of an incontrovertibly useful Regulation of the Staple of Tobacco; and after too, your Excellency in your said Message told the late Lower House, that “so far as you might be concerned in his Lordship’s Authority interposing in any Regulation of the fees of Officers, you should take good Care to act on mature Consideration, and that what you should judge to be right and just, would be the only Dictate by which you should be determined”; yet we cannot but be apprehensive that you issued that Proclamation and past that other Instrument under the Great Seal, on the Advice of some of those, whose Interest in the fees thus attempted to be illegally established, ought to have excluded them from your Excellency’s Confidence, in all Things relative to the fees of Office. We therefore earnestly entreat your Excellency to quiet the Minds of the good People of this Province, by speedily withdrawing the said Proclamation, as well as the said other Instrument establishing fees in the Land Office; and that you will be pleased to make known to us the Names of those ill Advisers who have daringly presumed thus to tread on the invaluable Rights of the Freemen of Maryland.

On reading whereof the Question was put that the House do assent to the same?

Resolved in the Affirmative

For the Affirmative

Buchanan,	Richardson,	Thomas,
Ringgold,	Moale,	Chamberlaine,
Johnson,	Risteau,	T. Wright,
Chase,	Deye,	So. Wright,
Mackall,	Ward,	Earle,
Weems,	Beall,	Lockett,
Grahame,	Tyler,	Wootton,
Smallwood,	Contee,	Beatty,
Harrison,	Hall,	Hagar.
Ware,	Paca,	
Adams,	Tilghman,	

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For the Negative

Gresham,	Hammond,	Baxter.
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[3]

Daniel of Saint Thomas Jenifer Esq.<sup>r</sup> from the Upper House delivers to M.<sup>r</sup> Speaker a Bill entitled An Act for the directing the Sale of the Lands of John Stone Hawkins late of Prince George’s



County deceased for the Payment of the Debts of the said John Stone Hawkins thus indorsed "By the Upper House of Assembly Nov.<sup>r</sup> 22.<sup>d</sup> 1771 Read the first and second Time by an especial Order and will pass with the Amendments annexed.

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Signed by Order U Scott Cl. Up. Ho."

After the Word "several" in the 2.<sup>d</sup> Line of the fourth Page insert the Word "Claims" and strike out the Word "Claims" in the third Line of the same Page. After the Word "Hawkins" in the last Line of the last Page add as follows Viz.<sup>t</sup> "Saving to the said Heirs of John Stone Hawkins the Liberty of shewing Cause, if any the said Heirs have, or can shew to the Chancellor of this Province for the Time being, at any Time within six Months after the said Heirs shall arrive at the Age of twenty One Years why the Lands and Premises abovementioned ought not to have been sold, as herein is directed; and upon such Cause shewn to the Satisfaction of the said Chancellor, then and in such Case this Act shall be void; any Clause, Matter or Thing herein to the contrary notwithstanding." Which was read; and the Amendments proposed by the Upper House were read and agreed to, and the Bill passed for ingrossing. p. 273

M.<sup>r</sup> Grahame from the Conference delivers to M.<sup>r</sup> Speaker the following Paper

The Lower House framed the Bill entitled "An Act for amending the Staple of Tobacco for preventing Frauds in his Majesty's Customs and for the Limitation of Officers ffees," which is the Subject of the present Conference, on a comprehensive View of the Subject and in the most adequate Manner in their unbiased Judgment to answer the valuable Purposes of it, which are to regulate and improve the Staple and to facilitate and encourage Trade for the mutual Advantage of the Planter and Merchant whose Safety, Connection and Convenience have been equally consulted; and to regulate the Clergy's Dues, and Officers and Lawyers ffees; in which the much altered Circumstances of the Provinces, the very great Increase of the Profits of the Offices, many Abuses in the Charges of ffees and the Circumstances and Numbers of the Inhabitants have been attended to, and they flatter themselves that they have been guided by the Rules of immutable Justice and the soundest Policy. A different Mode of Proceeding having in the last Session proved ineffectual to bring about an Agreement on a like Bill, they came into this Conference, proposed by the Upper House, before any particular Objections to the depending Bill were pointed out, in Hopes, that Reason and Argument might conciliate the Sentiments of the two Houses. You proposed several Alterations in the Bill; some of them have been acceded to. The Points which now remain unsettled are these Viz<sup>t</sup>

1.<sup>st</sup> The Manner of putting Inspectors Bonds in Suit

L. H. J. 2.<sup>d</sup> Inspectors rechosen to give timely Notice, or failing thereof,  
Liber No. 54 to be considered as an actual Refusal.  
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3.<sup>d</sup> Time of closing the Inspection limited by our Bill to the 20.<sup>th</sup> of August you contend ought to be the last of July.

4.<sup>th</sup> Penalties and Mode of Recovery

5.<sup>th</sup> Whether the Alternative be extended to Costs of Suit

6.<sup>th</sup> Officers ffees including the Time of Execution and Payment

7.<sup>th</sup> Clergy's Dues

The Regulation of Officers ffees as it is plainly a Matter of the great Importance and must necessarily take up a great deal of Time whenever it is settled, as many Points of Difference are likely to occur in it, and it being a Matter too in which several of the Honourable the Upper House are considerably interested, and therefore fairly presumable an Object of more immediate concern with them, was thought by the Lower House to be the Point which ought first of all to be settled; nor has the Event proved them to be mistaken. It is useless at this Time to go minutely through your Honours Reasoning on this Head. To our Objections against the Charge for recording Papers where the Service is not done the extravagant Charges of the Surveyors and Examiner, and the frequent Charge of Order in the Commissary's Office you have still reserved to yourselves to say, whether those Charges are proper or improper under the old Regulation and from your Reasoning in Support of them have left us little Hopes of being able to convince you of their Impropriety; and till then, your repeated Assurance that you will not agree to any Reduction of ffees properly chargeable according to the old Table must secure those Charges from being prevented in future. When we asserted that the Charge for recording was made where the Service was not done, we confined our Ideas to what were  
p. 274 or were not Records in this Province and altho' we have Reason to believe that Records are kept in Rolls in the Mother Country, we consider the Books either small or large in which the Clerks enter the Proceedings of the Courts here, to be Records of the Proceedings of our Courts, and that when the Declarations &.<sup>ta</sup> are not recorded, and this Idea we think is confirmed not only by several of the Allowances in the Tables for recording, but also by the long continued Practice of recording in small or large Books in all the Offices; and by the Acts of Assembly in 1716 and 1742 by which the Secretary and other Officers are bound to find a Supply of good and sufficient Record Books necessary for entering up all Matters &.<sup>ta</sup>

The Commissary General's Charge for Services not performed by him but which are performed by his Deputies and for which those Deputies are paid you strenuously support. You do not even allege there is any Degree of Justice in such Charge, but ground yourselves on your Construction of the Table and uniform usage and Practice

in making this Charge. You have been pleased to recur to the Act of 1715 and argue your Construction of that Act too in your favour. We on the contrary have given our Construction and still think it the right One. We by no Means admit that the Tables of fees of 1747 or 1753 warranted this Charge; but on the contrary observe, that in most of the Tables there are Allowances for many Services without any Addition to the Article, if done by the particular Officer in whose Table such Article stands; on the whole of which the Construction must most clearly be that the Allowance is to be to such Officer for his doing such Service. And we have opposed too against you the evident Injustice of compelling any Man to pay twice for a Service performed but once, and have mentioned the Provision in a Bill passed both Houses in 1745 preventing this Abuse. You have brought to your Aid likewise the solemn Sanction of the late expired Regulation so deliberately enacted, reenacted and continued by several Assemblies at five different Times to strengthen you, not only with Regards to the Commissary's double Charge but also to evince the old Table, so loosely expressed, that not a few of the Officers themselves palliate their excessive Charges from the Doubtfulness of the Expressions, and from whence Bills of Costs in different Offices, in like Suits, and under similar Circumstances often materially differ, is well adapted to the Purposes of it, and is proved to be so by long Experience. We have asserted "the fact is too notorious to be denied that the Table of fees under the first Inspection Law was then adopted and hath been since continued not so much from the Impressions of the Propriety and just Proportion of the Reward to the Service, as from the Utility of that Bill in other Respects and the Necessity of agreeing to an imperfect Table of fees, or losing a Regulation of the Staple allowed on all Hands to be very beneficial to the people."

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As your Reasoning was not forcible enough to convince the Judgment of the Lower House of the Legality or Propriety of the Commissary General's double Charges, so they could not alter their Determination with regard to them, and unhappily the Commissary General's Reward for doing nothing must be left to be decided by those who may happen to be charged something *by him* for his doing *Nothing for them*, on whose Fears possibly the Administration or Testamentary Bond taken according to your Remark with a very extensive Condition, how legal need not now be considered, may forcibly operate, or by legal Determination in which a Jury of the Country may possibly be of different Sentiments from your Honours.

Your Honours having enquired whether we choose that the Regulation of fees proposed by the Bill of 1745, which you have been pleased to allege, has been mentioned by Us, in Terms of so much Approbation, should now be established, and after desiring our ex-



L. H. J. plicit Answer; having declared you are willing to adopt that Regula-  
 Liber No. 54 tion, it seems to be implied, that you were of Opinion the Terms  
 Nov. 22 you thus offered were rather more eligible by the Lower House than  
 to adopt the late Regulation of ffees, to which you have clearly shewn  
 p. 275 yourselves to be exceedingly attached, and to which the Lower House  
 are so much averse and cannot agree; and yet the Terms of this  
 new proposed Expedient are such as we cannot imagine you had the  
 least Expectation would be acceded to.

We should really, and without any Intention of Offence, have requested your Honours to have explained whether you design'd to propose the Regulation of ffees as agreed to in 1745 with or without any Deduction? Whether you designed an Alternative in the Payment of those ffees agreeable to the present Bill? and whether you designed the Payment should be in Tobacco only? had we not so lately given you the Trouble of spending two Sides of Paper in making it clear to our Understanding that your proposed Expedient relative to the Clergy's Dues is, "that the present Clergy already inducted may be paid according to the late Inspection Act, and immediately on the Death or Removal of any of these Ministers the People as well Planters as others shall have it in their Option to pay for each Taxable 30 Pounds of Tobacco per Poll or four Shillings," which could not be done but by twice insinserting the Title of the Bill and repeating most of what had come from you before, concerning the Clergy. Permit us to remark that in the Year 1745 there was no Inspection Law. Tobacco Payments were made in the Planters Tobacco Houses; Tobacco was then estimated in our Laws at ten, and might have been and was commonly purchased at about Eight Shillings Currency per Hundred. Exchange was at about £220 for £100 Sterling and the Officers ffees were by the Bill of 1745 to have been payable in Tobacco only. By the Inspection Law passed in 1747 the Debtor who paid an old Tobacco Debt in Inspected Tobacco was entitled to a Reduction of one fourth Part of the Quantity due. About One fifth was deducted from the Secretary and Commissary General's ffees as agreed in the Bill of 1745. About one fourth was deducted from the ffees taken by the other Officers in 1747; and the Farmers were indulged in the Payment of Officers ffees at twelve Shillings and six Pence per Hundred. Your Honours propose that the Regulation of ffees intended by the Bill of 1745 should now be established, that is with Respect to the Secretary and Commissary General's Offices, to say nothing of the other Offices, which would be also considerably increased, you modestly propose, if we will add about 25 Per Cent to the late Regulation of ffees in those Offices you will readily agree with Us; We cannot doubt it but what great Benefit is to be obtained by the Country for this enormous Addition why the double Charge in the Commissary General's Office shall be provided against in future but



lest this might be giving up too much the Deputy Commissary's Jurisdiction must be lessened from Estates from £150 to 50 Pounds whereby the poorer People would be deprived of the Ease and Convenience of having this Business done in their own Counties or be at the Expence and Trouble of procuring Commissions.

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We presume that we need urge nothing further to your Honours to convince you that we ought not to come into your Expedients, without an attentive Consideration of them.

The Clergy's Dues being the Point next in Consequence permit us to remark you have not denied the Justice of extending the Alternative to the People to pay 30 per Poll in Tobacco or in Money on 32. The Governor's Message, of the Propriety of which (and wherein he seemed himself to doubt) we can say nothing has determined your Action, though it does not seem to have convinced your Understanding. This very fact ought to render probable, at least to you, what we have before asserted with regard to the weight of the Regulation of Tobacco carrying thro' the former Lower Houses that of the Officers fees. When we see the solemn Sanction of Temporary Acts are set up in Opposition to, and are accepted to bear down the Principles of Justice, we shall be cautious how we adopt Expedients. A general uniform Establishment of the Clergy is truly desirable. You must be sensible with Us, that the People groan under a heavy and unequal Burthen, and as you can get nothing by acting contrarily we hoped for your united Efforts to obtain them Relief.

We are sorry that we are disappointed in those Hopes. The Clergy are too much connected with Tobacco to leave them out of the Bill, nor shall we ever take them into it so unequally on the Tobacco Makers unless we see something more easy to them in Reversion than four Shillings; but even were we disposed to continue the old Regulation as to the present Clergy with the Alternative of 30 lbs of Tobacco, or four Shillings, as to the future Clergy, we do not see what should, at the End of seven Years prevent another Message to your House intimating his Excellency's Resolution to dissent to a Continuance of such a Regulation and thereby the present Design of a general, uniform, Establishment of the Clergy may be entirely defeated.

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What has been the Practice or Usage in bringing Suits on Inspectors Bonds for the Non Payment of Tobacco according to their Notes or Receipts we do not very well know, and believe few Suits have been brought on such Bonds.

Persons interested in Bonds taken in his Lordship's Name have sometimes made Applications to the Governor by Petition to assign such Bonds to bring Suits thereon. If such Applications are necessary to enable the Person interested to bring or maintain such Suit

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as it should seem that the Application implies the Power of granting or rejecting the Petition it would likewise seem as if the Governor might allow of, or prevent the Petitioner's Remedy on the Bond; as all Persons were by the Bill to be obliged to carry their Tobacco to the inspecting Houses and Inspectors Notes or Receipts were to have been legal Tenders it follows as a Consequence that the Person who thus being obliged did carry his Tobacco to an Inspecting House or the Person who being obliged received an Inspectors Note or Receipt in Payment should have it in his Power to recur to that Security he was obliged by Law to confide in without the Leave of the Governor, and therefore the Bill intended to confer that Power. On Non Payment of any Clergy's Dues, Officers or Lawyers fees, Public or County Levies, or Parochial Charges, by the 10.<sup>th</sup> Day of August by the Bill, Money only was to be levied by Way of Execution.

Your Honours first proposed to shorten the Time to the 10.<sup>th</sup> of April though you afterwards agreed to extend it to the 10.<sup>th</sup> of June and in Case the Defaulter was a Tobacco Maker and owed for Officers or Lawyers fees you proposed the Execution should be for Tobacco. The Clergy's Dues were put out of this Question by your other Proposition and the Public and County Levies and Parochial Charges not being objected to, stood as in the Bill.

We have to observe, that confining the Time of Payment to the 10.<sup>th</sup> of June excludes the Hope to the farmer of any Relief from Execution by his then growing Crop of Wheat. That generally laying the Planter under Necessity of selling his Tobacco before the 10.<sup>th</sup> of June is laying him under a Necessity of selling his Tobacco below its Value. That an Execution on a Tobacco Maker for *Money* for the Public and County Levies and Parochial Charges and for *Tobacco* for Officers and Lawyers fees cannot be in both Instances right; That when men are liable to be called upon for what they have not they must be under great Disadvantage in making a Contract to pay in what they have That this Disadvantage is greatly increased by the Manner in which Men may be liable to be called upon for what they have not and that this Disadvantage would lie with all it's Weight on the poor Planters out whose Effects or Persons the Tobacco must be extracted to the Emolument of the Officers & Lawyers.

The Lower House greatly regret the Loss of a most useful and beneficial Regulation of the Staple. They still console themselves with the Reflection that Nothing has been omitted on their Part to bring about an Agreement on just and reasonable Grounds. Your Proposal to adopt the Table of 1745 by which about 25 p Cent would be added to the Secretary and Commissary General's Offices and the other Offices much increased convinces Us that Nothing can be now done: it is a Proposal indeed that could come from none

but Officers themselves and unanimously rejected. There are no Hopes of Accomodation left, the Lower House therefore to prevent any further Waste of Time have instructed us to break up this Conference Which was read. M.<sup>r</sup> Ward brings in and delivers to M.<sup>r</sup> Speaker the following Report

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By the Committee appointed to enquire into the ffacts set forth in the Petition of Mary Louttitt Executrix of James Louttitt of Cæcil County

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Your Committee in Obedience to the Order of the Honourable House have enquired into the ffacts in the said Petition and find that James Louttitt died possessed of an Estate in fee simple of and in one third Part of thirty seven and a Quarter Acres of Land and a Grist Mill thereon as appears to Us by an attested Copy of a Deed dated the first Day of April seventeen hundred and sixty. That the said James as appears by the Deposition of M.<sup>r</sup> Sidney George had some Time before his Death intended to dispose of his third Part of the said Land and Mill. That near the Time of his Death he was reminded of his Intention by M.<sup>r</sup> George and said he would by all Means have it Sold but that his Executrix could do that without its being mentioned in the Will and very soon after died.

And your Committee further find that the Balance of the said Louttitt's Estate by an Account passed by his Executrix the 28.<sup>th</sup> Day of June 1769 appears to have then been 1368..9..1½ Gold Currency and that there was a Judgment rendered against the said Executrix in September Term 1771 for £2000 Sterling Penalty and five hundred Pounds of Tobacco Cost of Suit as by attested Copies of the Record of the Commissary's Office and Provincial Court may appear on which Penalty there appears to be due and properly chargeable against the Estate for Principal and Interest more than the Balance of the Personal Estate. All which is submitted to the Consideration of the Honble House

Signed p Order Jn.<sup>o</sup> Courts Jones Cl Com.

Which was read

The House adjourns till To Morrow Morning 9 O'Clock

Saturday November 23.<sup>d</sup> 1771.

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The House met.

All Members present as on Yesterday.

The Proceedings of Yesterday were read.

M.<sup>r</sup> Ward and M.<sup>r</sup> Buchanan have Leave of Absence.

The ingrossed Address brought in Yesterday by M.<sup>r</sup> Paca, was signed, by Order of the House, by the Honourable Speaker.

Ordered, That M.<sup>r</sup> N. Thomas and M.<sup>r</sup> Weems do acquaint the

L. H. J. Governor that this House hath prepared an Address to be presented  
Liber No. 54 to him and desires to know when and where he will please to re-  
Nov. 23 ceive it.

They return and acquaint M.<sup>r</sup> Speaker that the Governor signified he would receive the Address between Eleven and Twelve O'Clock in the Lobby of the Upper House

Ordered, That the said Address be presented to the Governor by M.<sup>r</sup> Speaker, attended by the whole House, except the three Gentlemen who voted against it

M.<sup>r</sup> Speaker, with the Gentlemen who attended him, returns, and reports to the House that he delivered the Address to his Excellency

The ingrossed Bills N.<sup>o</sup> 31, 32, 33 were severally read and assented to and sent to the Upper House with the Paper Bills thereof by M.<sup>r</sup> Beall and M.<sup>r</sup> Contee.

The Report brought in Yesterday by M.<sup>r</sup> Ward was read a second Time And the Petition of Mary Louttitt was read and granted and Leave given to the Petitioner to bring in a Bill pursuant to the Prayer of the said Petition.

Daniel Dulany Esq.<sup>r</sup> from the Upper House delivers to M.<sup>r</sup> Speaker the Paper Bills N.<sup>o</sup> 31, 32, 33 severally indorsed "By the Upper House of Assembly Nov.<sup>r</sup> 23.<sup>d</sup> 1771 The ingrossed Bill whereof this is the Original read and assented to

Signed by Order U Scott Cl. Up. Ho."

The ingrossed Bills N.<sup>o</sup> 34, 35 were severally read & assented to and sent to the Upper House with the paper Bills thereof by M.<sup>r</sup> Chase and M.<sup>r</sup> Wootton

William Hayward Esq.<sup>r</sup> from the Upper House delivers to M.<sup>r</sup> Speaker the Paper Bills N.<sup>o</sup> 34, 35 severally indorsed "By the Upper House of Assembly Nov.<sup>r</sup> 23.<sup>d</sup> 1771 The ingrossed Bill whereof this is the Original read and assented to

Signed by Order U Scott Cl. Up Ho."

The House adjourns till Monday Morning Nine O'Clock

Nov. 25  
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Monday November 25.<sup>th</sup> 1771

The House met.

All Members present as on Saturday except M.<sup>r</sup> Worthington, M.<sup>r</sup> Ward, M.<sup>r</sup> Buchanan M.<sup>r</sup> Baxter, M.<sup>r</sup> Beatty, M.<sup>r</sup> Weems and M.<sup>r</sup> Smallwood.

The Proceedings of Saturday were read

M.<sup>r</sup> So. Wright brings in and delivers to M.<sup>r</sup> Speaker A Bill entitled A Supplementary Act to the Act entitled An Act for the more



effectual securing of Orphans Estates. Which was read the first Time and ordered to lie on the Table

L. H. J.  
Liber No. 54  
Nov. 25

The House adjourns till to Morrow Morning 9 O'Clock

Tuesday November 26.<sup>th</sup> 1771

Nov. 26

The House met.

All Members present as on Yesterday except M.<sup>r</sup> Chase.

The Proceedings of Yesterday were read.

M.<sup>r</sup> Weems and M.<sup>r</sup> Baxter appeared in the House

The Petition of the Vestry and Church Wardens of Saint Luke's Parish in Queen Anne's County is referred for Consideration on the second Friday in next Session of Assembly

The Bill entitled A supplementary Act to the Act entitled An Act for the more effectual securing of Orphans Estates was read the second Time, pass'd and sent to the Upper House by M.<sup>r</sup> So. Wright & M.<sup>r</sup> Earle

The Petition of the Merchants in Bladensburgh is referred for Consideration on the second Monday in next Session of Assembly

M.<sup>r</sup> William Wright, at his own Request, is discharged from any further Attendance as a Committee Clerk

The Petition of John Steuart and Duncan Campbell is referred for Consideration on the second Wednesday in next Session of Assembly

M.<sup>r</sup> Grahame from the Conference delivers to M.<sup>r</sup> Speaker the following Paper

When Applications were made to Us from Time to Time by the Conferrees of the Lower House . . . [*The Paper beginning thus is printed in full in the Upper House Journal, pp. 58-65*].

Which was read.

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The Question was put that the following Paper Viz.<sup>t</sup> "We are instructed to inform your Honours that a particular Answer to your illiberal Language cannot be productive of any Public Good: and not being disposed to attempt a Rivalship with your Honours in the Talents for Petulance and impertinent Invective, the Lower House have ordered an End to be put to this Conference" be given to the Conferrees of this House, to be by them delivered to the Conferrees of the Upper House?

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Resolved in the Affirmative

For the Affirmative

Mackall,  
Weems,

Deye,  
Beall,

Chamberlaine,  
Earle,

L. H. J. Liber No. 54 Nov. 26	Harrison, Adams, Moale, Risteau,	Tyler, Contee, Paca, Tilghman,	Wootton, Hagar.	[16]
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For the Negative

Gresham, Ringgold, Johnson, Hammond, Grahame,	Ware, Hawkins, Richardson, Baxter, Hall,	Thomas, T. Wright, Luckett.	[13]
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The House appoint M.<sup>r</sup> Beall, M.<sup>r</sup> Tilghman, M.<sup>r</sup> Grahame, M.<sup>r</sup> Johnson, M.<sup>r</sup> Hall and M.<sup>r</sup> W Richardson a Committee to treat with M.<sup>r</sup> Frazier in what Manner the House which he has offered for the Use of the Assembly and Provincial Court shall be finished, and what Conveniencies shall be found by him, and at what Rate it shall be rented by the Year, and make Report thereof To Morrow Morning

His Excellency communicates to M.<sup>r</sup> Speaker the following Message and Letter.

Gentlemen of the Lower House of Assembly

Having been informed that Deputies of the Delawares, Munsies and Mohekins are now in Philadelphia and intend hither on the Business mentioned in the Copy of their Speech you have with this, and presuming that these Indians expect to be accomodated here with Necessaries as well as to receive a Present, I must request that you will make such Provisions for the Occasion, as may appear to be proper

Rob<sup>t</sup> Eden

Copy of a Speech sent from the Chiefs of the Delawares, Munsies and Mohekins by a Deputation of the several Nations living on the Ohio; to the Governors of Pensylvania, Maryland and Virginia. Brethren,

In former Times our Forefathers and yours lived in great Friendship together, and often met to strengthen the Claim of their Friendship. As your People grew numerous we made Room for them and came over the great Mountains to Ohio, and some Time ago when you was at War with the French your Soldiers came into this Country drove the French away and built Forts. Soon after a Number of your People came over the great Mountains and settled on our Lands We Complained of their Incroachments into our Country and Brethren you either could not or would not remove them As we did not chuse to have any Disputes with our Brethren the English we agreed to make a Line and the six Nations at Fort Stanwix three Years ago

sold the King all the Lands on the East Side of the Ohio down to the Cherokee River which Lands were the Property of our Confederacy and gave a Deed to Sir William Johnson as he desired. Since that Time great Numbers more of your People have come over the great Mountains and settled throughout this Country and we are sorry to tell you that several Quarrels have happened between your People and ours in which People have been killed on both Sides and that we now see the Nations round us and your People ready to embroil in a Quarrel which gives our Nations great Concern as we on our Parts want to live in friendship with you. As you have always told Us you have Laws to govern your People by (but we do not see that you have) therefore Brethren unless you can fall upon some Method of governing your People who live between the great Mountains and the Ohio River and who are now very numerous it will be out of the Indians Power to govern their young Men for we assure you the black Clouds begin to gather fast in this Country and if something is not soon done those Clouds will deprive Us of seeing the Sun; We desire you to give the greatest Attention to what we now tell you as it comes from our Hearts and a Desire we have to live in Peace and Friendship with our Brethren the English, and therefore it grieves us to see some of the Nations about Us and your People ready to strike at each other. We find your People are very fond of our rich Land: We see them quareling with each other every Day about Land, and burning one anothers Houses, so that we do not know how soon they may come over the River Ohio and drive us from our Villages, nor do we see you, Brethren, take any Care to stop them. It is now several years since we have met together in Council, which all Nations are surprised and concerned at. What is the Reason you kindled at the Ohio for Us to meet you, which we did and talked friendly together, that you have let the fire go out for some Years past? This makes all Nations jealous about Us, as we also frequently hear of our Brethren the English meeting with the Cherokees and with the six Nations, to strengthen their Friendship, which gives us Cause to think you are forming some bad Designs against Us who live between the Ohio and the Lakes. I have now told you every Thing that is in my Heart, and desire you write what I have said, and send it to the great King Kill Buck, Speaker.

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Nov. 26

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A Belt

Which were severally read

M.<sup>r</sup> Grahame from the Conference, delivers to M.<sup>r</sup> Speaker the following Paper

The Stile of the Paper now delivered by the Conferrees of the Lower House, is so consistent with the Spirit of their other Proceedings, that we are not surprised at it, and most willingly consent an End may be put to an Intercourse so extremely disagreeable.

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Which was read

The Bill, entitled, An Act for the speedy and effectual Publication of the Laws of this Province and for the Encouragement of Ann Catharine Green, of the City of Annapolis, Printer, was read a second Time and will pass.

The House adjourns till To Morrow Morning 9 O'Clock

Nov. 27

Wednesday, November 27.<sup>th</sup> 1771

The House met.

All Members present as on Yesterday, except M.<sup>r</sup> So. Wright  
The Proceedings of Yesterday were read.

M.<sup>r</sup> Worthington appeared in the House

The Bill entitled An Act for the speedy and effectual Publication of the Laws of this Province and for the Encouragement of Ann Catharine Green of the City of Annapolis Printer sent to the Upper House by M.<sup>r</sup> N. Thomas and M.<sup>r</sup> Baxter.

The Bill, entitled, An Act relating to the Levy and Poor of Ann Arundel County, was read a second Time, passed, and sent to the Upper House by M.<sup>r</sup> Worthington and M.<sup>r</sup> Hammond

The House proceeded to tax the following private Bills Viz.<sup>t</sup>

An Act for confirming to Samuel Cookson of Baltimore County sundry Lands therein mentioned

To the Honble Speaker.....	£4..0..0
To the Clerk.....	2..0..0

An Act to impower Frank Leeke and George Digges, Administrators of Charles Digges, late of Prince George's County, deceased, with the last Will of the same Charles to their Letters of Administration annexed, to sell a Lot of Ground of the same Charles, situate and being in the Town of Upper Marlborough, in Prince George's County aforesaid, for the Payment of the Debts of the said Charles Digges

To the Honble Speaker.....	£2..0..0
To the Clerk.....	1..0..0

p. 285 An Act for the Naturalization of Charles Frederick Weisenthal

To the Honble Speaker.....	£6..0..0
To the Clerk.....	3..0..0

An Act to empower Elizabeth Williams, Administratrix of George Williams, with the Will annexed, to make and execute the Conveyances therein mentioned.

To the Honble Speaker.....	£1.. 0..0
To the Clerk.....	0..10..0



An Act to empower Jane Ridgely, Executrix of Nicholas Greenberry Ridgely, late of Ann Arundel County, deceased, to convey the Land therein mentioned.

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Nov. 27

To the Honble Speaker..... £2..0..0

To the Clerk..... 1..0..0

An Act for the directing the Sale of the Lands of John Stone Hawkins, late of Prince George's County, deceased, for the Payment of the Debts of the said John Stone Hawkins.

To the Honble Speaker..... £2..0..0

To the Clerk..... 1..0..0

An Act to enable the Executors of Thomas Colvill to convey the Land therein mentioned

To the Honble Speaker..... £6..0..0

To the Clerk..... 3..0..0

An Act to impower Mary Louttitt, Executrix of James Louttitt, deceased, to convey one undivided third Part of the Mill and Land therein mentioned

To the Honble Speaker..... £1.. 0..0

To the Clerk..... 0..10..0

Daniel of Saint Thomas Jenifer Esq.<sup>r</sup> from the Upper House delivers to M.<sup>r</sup> Speaker the Bill entitled An Act for amending the Staple of Tobacco, for preventing ffrauds in his Majesty's Customs, and for the Limitation of Officers ffees; thus indorsed "By the Upper House of Assembly, October 19.<sup>th</sup> 1771: Read the first Time and ordered to lie on the Table

Signed by Order U Scott Cl. Up. Ho."

"By the Upper House of Assembly Nov.<sup>r</sup> 26.<sup>th</sup> 1771 Read the second Time and will not pass

Signed by Order U Scott Cl. Up. Ho."

Walter Dulany Esq.<sup>r</sup> from the Upper House, delivers to M.<sup>r</sup> Speaker, the Bill, entitled, An Act for the speedy and effectual Publication of the Laws of this Province, and for the Encouragement of Ann Catharine Green, of the City of Annapolis, Printer; thus indorsed: "By the Upper House of Assembly Nov.<sup>r</sup> 27.<sup>th</sup> 1771: Read the first and second Time by an especial Order and will pass

Signed by Order U Scott Cl. Up. Ho."

Which was read here and passed for ingrossing

The Bill, entitled, An Act directing the Manner of punishing Fornication and Adultery before a single Justice of the Peace out of Court, is referred for Consideration till next Session of Assembly

L. H. J. A Bill, entitled, An Act to impower Mary Louttitt, Executrix of  
 Liber No. 54 James Louttitt, deceased, to convey One undivided third Part of the  
 Nov. 27 Mill and Land therein mentioned, was read the first and second  
 Time by an especial Order, passed, and sent to the Upper House by  
 M.<sup>r</sup> Baxter and M.<sup>r</sup> Deye.

On Motion, Ordered, That Leave be given to bring in a Bill,  
 empowering the County Courts to settle with Persons who were  
 formerly Inspectors of Tobacco for the Ease of the People in Pay-  
 ment of Public Dues, and that M.<sup>r</sup> Tilghman, M.<sup>r</sup> Thomas, M.<sup>r</sup>  
 Johnson, M.<sup>r</sup> Hall and M.<sup>r</sup> Worthington do prepare and bring in  
 the same. M.<sup>r</sup> Tilghman brings in and delivers to M.<sup>r</sup> Speaker the  
 said Bill: Which was read the first and second Time by an especial  
 Order, passed, and sent to the Upper House with the ingrossed Bill  
 N.<sup>o</sup> 36 by M.<sup>r</sup> Tilghman and M.<sup>r</sup> N. Thomas

M.<sup>r</sup> Beall brings in and delivers to M.<sup>r</sup> Speaker the following  
 Report

By the Committee appointed to enquire into, and report on the  
 Petition of the Subscribers living in and convenient to the Town of  
 Bladensburgh, in Prince George's County, Nov.<sup>r</sup> 27.<sup>th</sup> 1771

Your Committee beg Leave to inform the Honourable House,  
 that they have received the Representation of the Subscribers, who  
 are ffreeholders of Prince George's County living near Bladensburgh,  
 p. 286 but not Inhabitants of the said Town, together with a Representa-  
 tion, in a Letter from Doctor Ross, accompanied with a rough Sketch  
 of the Eastern Branch of Patowmack River, in Relation to the  
 Prayer of the above Petitioners, as to Wares and Hedges, and  
 cleaning ffish on the public Landing of the Town of Bladensburgh,  
 which are hereunto annexed, and submitted to the Consideration of  
 the Honble House

Signed by Order Tho.<sup>s</sup> B Hodgkin Cl

The House took into Consideration his Excellency's Message of  
 Yesterday, and referred the further Consideration thereof till To  
 Morrow Morning

The House adjourns till To Morrow Morning 9 O'Clock

Nov. 28

Thursday, November 28, 1771

The House met.

All Members present as on Yesterday.

The Proceedings of Yesterday were read.

The Order of the Day being read, the House resumed the Con-  
 sideration of his Excellency's Message of the 26.<sup>th</sup> Instant, and  
 Resolved, That a Sum of the Public Money in the Hands of the  
 Treasurer of the Western Shore, not exceeding fifty Pounds com-

mon Currency, be paid to the Order of his Excellency the Governor, for the Accomodation of the Deputies of the Delaware, Munsie, and Mohekin Indians whilst in this Province

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Ordered, That M.<sup>r</sup> Hall, M.<sup>r</sup> Tilghman, M.<sup>r</sup> Johnson, and M.<sup>r</sup> Paca, do prepare an Address to his Excellency informing him thereof

Ordered, That the same Gentlemen do prepare a Message to the Upper House, informing them of the Resolution of this House, and to send a Copy thereof for their Concurrence

William Hayward Esq.<sup>r</sup> from the Upper House delivers to M.<sup>r</sup> Speaker the Paper Bill N.<sup>o</sup> 36 thus indorsed: "By the Upper House of Assembly Nov.<sup>r</sup> 27.<sup>th</sup> 1771: The Ingrossed Bill whereof this is the Original, read and assented to.

Signed by Order U Scott Cl. Up. Ho."

The Bill, entitled, An Act relating to the Levy and Poor of Ann Arundel County, and the Bill, entitled, An Act to impower Mary Louttitt, Executrix of James Louttitt, deceased, to convey One undivided third Part of the Mill and Land therein mentioned; severally indorsed: "By the Upper House of Assembly Nov.<sup>r</sup> 27.<sup>th</sup> Read the first and second Time by an especial Order and will pass

Signed by Order U Scott Cl Up Ho."

Which two last mentioned Bills were severally read here & passed for ingrossing

The Report brought in by M.<sup>r</sup> Harrison the 16.<sup>th</sup> Instant, is referred for Consideration next Session of Assembly.

The Report brought in Yesterday by M.<sup>r</sup> Beall, was read and referred for Consideration next Session of Assembly

M.<sup>r</sup> Beall brings in and delivers to M.<sup>r</sup> Speaker the following Report

By the Committee appointed to treat with M.<sup>r</sup> Frazier in what Manner his House which he has offered for the Use of the Assembly and Provincial Court shall be finished, and what Conveniencies shall be found by him, at what Rate it shall be rented by the Year, and make Report thereof.

Your Committee in Obedience to the Order of the Honourable House, have treated with M.<sup>r</sup> Joshua Frazier, and find that he will finish off a Room sufficiently large for the Lower House of Assembly to sit in, with a ffire Place, Sash Windows, the Sides of the Room neatly planked up, the ffloors laid, and Ceiling plaistered, with Forms or Benches with Backs for the Members, a Table for the Clerk, and Chair for the Speaker; and will floor, plaister and glaze four other Rooms, three of which will have Fire Places with Table and Benches and will build a commodious Porch with Seats at the Entrance of the House and a small convenient Out House. All which he will let for the Use of the Lower House and Provincial Court from the Time

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it is first taken until the Building designed for those Purposes is by Contract to be finished, for the Sum of Eighty Pounds common circulating Currency per Year to be allowed him in the Journal of Accounts, but in Case the Assembly and Provincial Court should sit at the same Time, he will not be obliged to find any other House for either to sit in. All which is submitted to the Consideration of the Honble House.

Signed per Order Jn.<sup>o</sup> C. Jones Cl Com

Which was read the first and second Time and the House concurs therewith

M.<sup>r</sup> Tilghman brings in and delivers to M.<sup>r</sup> Speaker an Address to the Governor; which was read, approved of and ordered to be ingrossed.

The ingrossed Bills N.<sup>o</sup> 37, 38 were severally read and assented to, and sent to the Upper House with the Paper Bills thereof, by M.<sup>r</sup> Baxter and M.<sup>r</sup> Moale.

The following Message.

By the Lower House of Assembly 28.<sup>th</sup> November 1771  
May it please your Honours,

We herewith send you a Resolve of this House, relative to the Deputies of several Tribes of Indians who are expected to pass through this Province for your Concurrence

As we have no Business at present before Us that requires our staying any longer, we request your Honours to return such Bills as may be lying on your Table, that a speedy End may be put to this Session.

Signed by Order Jn.<sup>o</sup> Duckett Cl Lo. Ho.

Being prepared, was sent to the Upper House, with the Resolve mentioned therein, by M.<sup>r</sup> Tilghman and M.<sup>r</sup> Johnson.

M.<sup>r</sup> Tilghman brings in and delivers to M.<sup>r</sup> Speaker the following ingrossed Address.

To his Excellency Robert Eden Esq.<sup>r</sup> Governor and Commander in Chief in and over the Province of Maryland.

The humble Address of the House of Delegates

May it please your Excellency,

In Answer to your Message, relative to the Delaware, Munsie and Mohekin Indians, we are willing to make Provision for the Deputies of those Tribes in their Passage through this Province, and have therefore resolved, that a Sum of the Public Money in the Hands of the Treasurer of the Western Shore, not exceeding fifty Pounds Common Currency, be applied for their immediate Accomodation.

We do not look upon it that the People of this Province can be



affected by any Claim of Indians to their Lands, and therefore do not think proper to burthen them with any Sum to be given by Way of Present. Which was read and assented to and signed by Order of the House by the Honourable House

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Nov. 28

Ordered, That M.<sup>r</sup> Mackall and M.<sup>r</sup> Contee do acquaint his Excellency that this House hath prepared an Address to be presented to him, and desires to know when and where he will be pleased to receive it They return and acquaint M.<sup>r</sup> Speaker, the Governor signified he would receive the Address at Eleven O'Clock, To Morrow Morning in the Lobby of the Upper House.

George Steuart, Esq.<sup>r</sup> from the Upper House delivers to M.<sup>r</sup> Speaker the following Message.

By the Upper House of Assembly Nov.<sup>r</sup> 28.<sup>th</sup> 1771  
Gentlemen,

This House concurs with your Proposition, that a Sum of the Publick Money in the Hands of the Treasurer of the Western Shore, not exceeding fifty Pounds common Currency, be paid to the Order of his Excellency the Governor for the Accomodation of the Deputies of the Delaware, Munsie and Mohekin Indians whilst in this Province

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Signed by Order U Scott Cl. Up. Ho.

The Paper Bills N.<sup>o</sup> 37, 38 severally indorsed: "By the Upper House of Assembly Nov.<sup>r</sup> 28.<sup>th</sup> 1771 The ingrossed Bill whereof this is the Original read and assented to.

Signed by Order U Scott Cl. Up. Ho."

And the Bill, entitled, A Supplementary Act to the Act, entitled, An Act for the more effectual securing of Orphans Estates; thus indorsed: "By the Upper House of Assembly Nov.<sup>r</sup> 26.<sup>th</sup> 1771 Read the first Time and ordered to lie on the Table.

Signed by Order U Scott Cl. Up. Ho."

"By the Upper House of Assembly, Nov.<sup>r</sup> 28.<sup>th</sup> 1771 Read the second Time and will pass with the Amendments annexed.

Signed by Order U Scott Cl. Up. Ho."

A the End of the Bill add as follows, Viz.<sup>t</sup> "And whereas Estates of deceased Persons, from a Tenderness to Executors and Administrators, are frequently estimated by the Appraisers . . . [*The amendments beginning thus are printed in full in the Upper House Journal, pp. 68-70*].

Which was read; and the proposed Amendments were read and ordered to lie on the Table.

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The House adjourns till To-Morrow Morning 9 O'Clock

L. H. J.  
Liber No. 54  
Nov. 29

Friday November 29.<sup>th</sup> 1771

The House met.

All Members present as on Yesterday.

The Proceedings of Yesterday were read.

The Amendments proposed by the Upper House to the Bill, entitled, a Supplementary Act to the Act, entitled, An Act for the more effectual securing of Orphans Estates, were read a second Time, and referred for Consideration next Session of Assembly.

John Ridout Esq.<sup>r</sup> from the Upper House, delivers to M.<sup>r</sup> Speaker the Bill, entitled, An Act empowering the County Courts to settle with Persons who were formerly Inspectors of Tobacco, and for the Ease of the People in Payment of Publick Dues thus indorsed: “By the Upper House of Assembly Nov.<sup>r</sup> 27.<sup>th</sup> 1771 Read the first Time and ordered to lie on the Table.

Signed by Order U Scott Cl. Up. Ho.”

“By the Upper House of Assembly Nov.<sup>r</sup> 28.<sup>th</sup> 1771 Read the second Time and will pass with the Amendments annexed

Signed by Order U Scott, Cl. Up. Ho.”

p. 290 After the Word “Tobacco” in the Title, leave out the Remainder thereof. After the Word “unpaid” in the sixth Line of the first Page, leave out what follows to the Word “Dues” inclusive, in the seventh Line of the same Page. After the Word “Inspectors” in the Eleventh Line of the second Page, leave out what follows to the End of the Bill.

Which was read; and the Amendments proposed were read and agreed to, and the Bill passed for ingrossing.

Ordered, That M.<sup>r</sup> Hall and M.<sup>r</sup> Grahamè do present the Address to his Excellency, which was prepared Yesterday. They return and acquaint M.<sup>r</sup> Speaker they have delivered it

The ingrossed Bill N.<sup>o</sup> 39 was read and assented to, and sent to the Upper House with the Paper Bill thereof by M.<sup>r</sup> T. Wright and M.<sup>r</sup> W. Richardson

The House adjourns till To-Morrow Morning 9 O’Clock

Nov. 30

Saturday November 30.<sup>th</sup> 1771

The House met.

All Members present as on Yesterday, except M.<sup>r</sup> Weems.

The Proceedings of Yesterday were read.

His Excellency communicates to M.<sup>r</sup> Speaker the following Message.

Gentlemen of the Lower House of Assembly,

L. H. J.  
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Nov. 30

A sincere undissembled Solicitude for the Welfare of the People, and a generous inflexible Firmness in vindicating their constitutional Privileges, are so laudable, that I should be inclined at least, to excuse a little Excess in the Measures which a sanguine Disposition might form, and eagerly pursue for the Promotion and Stability of the general Interests, to secure Property against Rapaciousness, and protect Liberty from Violation, but so many Instances have proved this Virtue of publick Spirit does not always exist in the greatest Purity, when it is professed with the most ardent Zeal, that Caution and Hezitation in giving Credit to splendid Professions of Disinterestedness, and of Regard for the general Good, can be blamed only by the folly of Credulity, and Rashness of Inexperience. Rulers under the Visor of Tenderness, may infringe the Rights of the Subject, and Demagogues under the Guise of Patriotism, fatally seduce their Followers into a Subserviency to their most selfish Views. I wish to have the Sincerity of my Professions tried by my Actions, and that they, who have arraigned my Conduct, may be judged by the same Test. The Censure you have passed in your violent Resolves on a Measure, the Situation of the Province consequent to your own Proceedings in a late Session, rendered necessary, and Passages in my Message, at that Time, having been interwoven with the Reason of your extraordinary Address, oblige me to explain those Proceedings, and investigate the Spirit that dictated them, from which, if I am not very much deceived, it will appear to have been the great Object to excite popular Animosity, and that the Resentments you have expressed against my Proclamation, have proceeded from your Persuasion of its having been calculated to prevent Litigation and secure the Publick Peace, and your Apprehension, if left to its proper Effect, it would extinguish the Discontent you took so much Pains to kindle. They who are most impatient of the regular Controuls of an Authority to which they are subordinate, are, not seldom, eager to usurp Power, and disposed, when they expect Submission, to exercise it with haughty Rigour.

The Commitment of M.<sup>r</sup> Steuart, the Register of his Lordship's Land Office, by the Lower House to the common Jail, to be there kept *safe and close until discharged by Order of the House*, appeared to me to be most arbitrary and oppressive; on this Occasion all the Powers, legislative, executive and judicial, were assumed by your House. [I] interposed and prorogued the Assembly, and assigned the Reasons of my Conduct in the Message to which you have alluded in your Address, and which being fully explanatory of that Transaction, I must take the Liberty to recite.

"Gentlemen,

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It has been the Object of my anxious Attention, and is my very earnest Wish, to cultivate an amicable understanding with the



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Representatives of the People of Maryland; and I am therefore deeply affected with Concern, to be thus driven to express a Disapprobation of the Spirit by which some of your Proceedings have been guided, and which prompted your last Address. My Duty I shall always esteem it to be, to avoid every Occasion of reasonable Complaint, but I must not forget that it is my indispensable Duty, to check the Exercise of such Powers as are incompatible with the indubitable Authority of Government, the permanent Security of Property, and the constitutional Liberty of the Subject. Pretences for Censure are so easily framed, that the most circumspect Behaviour cannot prevent them. When they unhappily excite Animosity, give Rise to querulous Expostulation, tend to promote a popular Discontent, and obstruct the Course of Publick Business, tho' the Mischiefs they produce are much to be lamented, yet I cannot but derive great Consolation from Reflection when they spring from Passions I am not answerable for. Your positive assertion, that the last Prorogation was an undue and ill advised Exertion of Power, permit me, Gentlemen, to observe, carries with it no Reasoning to convince my Judgment, nor any Authority to preclude a Vindication, especially as the Motives which influenced me to apply for the Advice of those who are appointed by the Constitution to give it, and the Reasons by which they evinced the Propriety of their Opinion, have not been explained to you. When Conjecture is indulged, there is great Danger of Deception. Jealousy may raise an Alarm, which an accurate Information of Circumstances might prevent, and under this Influence, Animadversion be directed against the Product of mere Imagination. Whether it would have been more regular in your Department to have called for a Detail of those Motives and Reasons, and arraigned my Conduct in the Exercise of an unquestionable Prerogative, because not agreeable to your Views, or conformable to your Ideas, than it would be in *mine*, should I require an Account of, and on the same Ground condemn, your Conduct, when exercised in any peculiar Privilege of your House, I shall not undertake to determine; but I must remark, that a precise Information of the Subject ought to have preceded your Decision upon it, especially a Decision derogatory from the Character of those, who are bound by the strictest Ties not to deserve the Reproach it conveys.

I do not mean to shelter, under fforms, the Principles on which I was advised, and pursued the Measures of Prorogation, and shall therefore frankly explain them. When I acted upon them, I acted on a Conviction that I performed a most incumbent Obligation. When I review them I have a great Complacency in the firm Persuasion, that I did what I ought, and should have been culpable if I had omitted. It can hardly, I presume, be a Question, whether, when a Subject in this Government is illegally deprived of his personal Liberty, it is the Duty of the executive Power to relieve him?



Whether, where the Authority to afford Relief is placed, there the Application for it is regular, where this is cognizable, there the Propriety of it is determinable? The Right of Petition is established for Purposes so important and secured and enforced by Sanctions so interesting, that the Representatives of a free people can never, on any Occasion, dispassionately wish to impair or discountenance it. They would rather be inclined to connive at Improprieties in the Manner of exercising the Right, than scan it with a View to Censure.

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M.<sup>r</sup> William Steuart having been committed by Order of your House to the Common Public Jail, made his Application to me for Relief against the Oppression of an arbitrary Procedure claiming that Benefit of Protection, to which he, in common with his Fellow Subjects is entitled. A Copy of his Commitment was laid before me, by which it appeared, that, on the accumulative Charge “of having taken Notes of Hand as the Clerk of the Land Office, for the Payment of fees contrary to Law for imposing an Oath as a Justice of the Peace not appointed and required by Law and for an high Contempt of your House” he was committed “to be kept *safe and close* in the Publick Jail, until he should be thence discharged *by Order*” of your House. I required the Consideration and Advice of the Council upon all the Circumstances of the Case, and their Opinion was, that you had assumed an unwarrantable Jurisdiction, which, if admitted, would cancel all the Guards and Securities provided by a wise and free Polity for the Protection of the Subject, and that, having been illegally deprived of his personal Liberty, M.<sup>r</sup> Steuart was entitled to the Relief, which an Exertion of the Prerogative might afford him. In Consequence of this Opinion, and the Reasons by which it was supported, I interposed by proroguing the General Assembly from the Friday till the Monday next following, after having passed all the Bills ready for my Assent, and flattered myself that a short Recess, as it had been on other Occasions, would rather be productive of sedate Reflection, than of the heavy Charge, that I had effectually dismissed a publick Offender from Confinement, obstructed publick Justice, and in Terms of very indefensible Exaggeration, occasioned a considerable Expence to the Province, and a total Stagnation of important Business for several Days. In Vindication as well of the Gentlemen of the Council as of myself, I shall succinctly rehearse the Reasons they advanced in Support of their Advice. They observed, That where the legislative and executive Authorities, the Will to ordain and the Power to enforce it, are lodged in the same Person or Persons, there a Tyranny is established; that under this free Constitution, these Authorities are therefore distributed into different Departments; That the executive being in the supreme Magistrate, neither House of Assembly can undertake the Administration of existing Laws, without a dangerous

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Infringement of the Constitution; that of the legislative, you are but one of the component Parts; that a Right to determine the fees charged were excessive, implies the Right to settle the exact Compensation due for the Services performed because, without the Standard, what fees are adequate, what are more or less than the just Proportion, cannot be ascertained; that your rigorous Commitment was bottomed on the Principle, that to you belongs the Authority of punishing any Deviation from the Line of your Opinion; that if a precise Rule had been regularly preordained by the Law, an Offence against it ought to be prosecuted in a legal ordinary Judiciary; That a Prosecution and Punishment in a different Course, are highly oppressive to the Subject affected thereby; that, in the ordinary regular Administration of Justice, our Polity has applied various excellent Precautions for the Protection of the Subject against Injury, which would be lost if your House were suffered to execute the Powers you had assumed; for in the ordinary legal Course of Proceeding, the fact is triable by Jury; the Party charged is not bound to disclose what may expose him to Penalty; the Jury are sworn, and, as far as the Impressions of Religion, and a Sense of Justice can influence, a just and impartial Determination may be expected. If there be reasonable Cause to suspect of Partiality any called to serve on the Jury, a Right to challenge is conferred; if the Jury corruptly render an injurious Verdict, they are liable to Punishment; if mistaken, the Consequence of their Fallibility may often be controuled by the Discernment of a second Jury; as the Jury are punishable, so are the Witnesses if perjured: The Fact is tried in one Way, the Law determined in another; as there are Provisions to guard against the Injuries of corrupt and mistaken Verdicts, so are there against the Oppression of partial and erroneous Judgments. Judges are upon Oath to do equal Right and Justice to all Persons; they are punishable for Corruption; their Decisions are not conclusive in the first Instance, but are subject to Revision, for which important Purpose a Gradation of Jurisdiction is appointed; the Party is not liable to be harrassed by a second Prosecution for the same Matter. As these Guards and Securities are of such admirable Efficacy in Protecting the Property, Reputation and personal Liberty of the Subject, and to which *every* Subject (whether in or out of Office) is as well entituled as *any*, so ought they to be zealously and firmly maintained, and if the Measure proper for their Defence should occasionally suspend the Transaction of other Affairs for a much longer Term than for a Day or Two, the comparatively insignificant Interruption would not deserve a Moment's Deliberation; that these Guards and Securities, so essential to the Stability of Property, and the personable Liberty of the People, upon which so great and invaluable Interests depend, would become precarious indeed, if through the Acquiescence or Inattention of Gov-

ernment, your House should be permitted to assume and exercise the Power you claimed. You are not sworn to determine according to Evidence; to do equal Right and Justice to all Men indiscriminately. The Witnesses examined before you, in a Case of this Nature, would be liable to no Prosecution, if perjured; there would be no distinct Cognizance of fact and Law; no Challenge allowed to prevent Partiality; no Examination of your Conduct, however improper, in any other Jurisdiction; no new Trial, Writ of Error or Appeal; your Determination whether of Acquittal or Conviction, would be no Bar to a second Prosecution in a legal Judicatory; on these Grounds I was advised and pursued the Step, which, I am convinced was constitutional, which the Occasion required, and which the general Security demanded, and am extremely sorry that it has proved to be so offensive to you. M.<sup>r</sup> Steuart has already severely suffered for any Irregularity he may have committed, by a rigorous and ignominious Imprisonment; to inflict double Punishment for the same Delinquency, is not consistent with the equitable Spirit of our Constitution, though he may be liable to it.

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His Lordship's Authority has not yet interposed in any Regulation of the fees of Officers, nor have I any Reason to imagine that it will interpose in such a Manner as to justify a regular Opposition to it. So far as I may be concerned in any such Measure, I shall take good Care to act on mature Consideration; what I shall judge to be right and just, will be the only Dictate by which I shall be determined.

M.<sup>r</sup> Calvert and M.<sup>r</sup> Steuart have been made acquainted with your Complaint against them, and I send you their Answer, by which you will observe, that they did not intend referring to any Proclamation respecting their Dues; nor do I perceive any Irregularity in their Conduct, as I am of Opinion they were not bound to do the Services without an immediate Payment of, or Security for, their fees; the Rate which had obtained under Act of Assembly for more than twenty three Years, and expired so lately as the 22.<sup>d</sup> October last, seems to be the most unexceptionable they could follow. His Lordship has, I think, the clearest Right to dispose of his real Estate, upon such Terms as he may think proper; to direct the formal Observances in making Titles to his Grants; and to settle and regulate the Rewards his Officers, in this Department, may demand and receive. Be assured, Gentlemen, that I shall, on every Occasion, pay a due Regard to your Rights; that I shall never countenance the illegal Exactions of any Officers, nor submit to any Usurpation, which may essentially endanger that constitutional Balance of counteracting Powers, so necessary to the Protection of the People, and the Preservation of the Publick Peace."

A Commitment to be kept safe, tho' you had no legal Authority to commit *at all*, was not a Punishment severe enough to be inflicted on the Person, who incurred your Displeasure, but he must be kept



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*safe and close*, tho' "*even in Cases of Robbery on the Highway, and other felonies entitled to Clergy, Commitments are to keep safely, or there to remain till delivered, &<sup>ta</sup> or at most safely and securely to keep. When a Goaler is to keep his Prisoner safe, he is only to restrain him, so as to prevent his Escape but when to keep him safe and close, the Goaler is to shut him up from all the World.*" Thus this Gentleman was condemned without Authority by the Lower House, to undergo an Imprisonment, to which even Highwaymen and felons are not subject by the Law: and this is not the only Instance of Severity in the Proceedings of the same Session, and the Exercise of Powers incompatible with the Rights of the Subject. To those who are authorised to give Relief, Petitions may be addressed. The Authority of the Upper House to reject a Bill from the Lower, has not yet been discovered to be unconstitutional. A Petition was addressed by many Inhabitants of Baltimore County to the Upper House, against the Passage of a local Bill; their Justice would not allow them to dismiss a Petition complaining of Injury, without Examination; but being offensive to the Lower House, it was condemned in a subsequent Session by a Resolve, and Process ordered against the Signers of it, many of whom were arrested and sentenced to pay fees. Gentlemen supposed to have signed the Petition, tho' Strangers to it, were discharged without the Mulct of fees; but without Satisfaction too for the Expence and Trouble of their Journey, Attendance and Loss of Time.

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Under what Law, upon what Principle is it, that the Lower House gives fees to *their* Officers, and under the *Pain of Imprisonment* direct the *immediate* Payment of them? Your Officers have Salaries or Allowances *exclusive* of these fees. If fees be Taxes, has the Lower House *alone* Authority to impose them? If properly recoverable on a *Quantum Meruit*, why is your Officer to be paid by your Ordinance? The Officers of Government are supported *only* by their fees, they have no Salaries, they give Credit to those whom they serve. The Clerk of the County Court claims only Nine Pence for a Summons and gives Credit. The Clerk of your House gains three Shillings for the same Service, and is paid *immediately*, or the Person liable is imprisoned. If there be no Act of Assembly, authorising your Practice in allowing fees to your Officers, whence do you derive your Authority? You must depart from your Principle, if you allege the Power to be incidental.

In the Year 1669 the Governor and Council settled the fees of your Clerk at thrice the Sum the Clerk of a County would be entitled to, for a similar Service, have you derived your Practice from this Ordinance? If Allowance be made for late Reductions, the Proportion is nearly preserved.

Under what Law, or on what Principle is there an Allowance to your Speaker and Clerk on the Passage of Private Bills? You, alone, are not the Assembly.



When on mature Reflection you shall have ascertained the Principle of your own Practice, I flatter myself you will be inclined to jud[g]e less unfavourably, and speak with less Asperity of the Conduct of myself, and his Lordship's Council.

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Ever since the Settlement of the Province ffees have been received by the Officers, the last Regulation of ffees, contained in the Inspection Law, was the most moderate and easy to the People; when you chose to drop that Law, the Regulation of ffees expired with it. Officers are necessary and must be supported, at the Expence of those, for whom they perform Services. You contend that the ffees of the Officer are recoverable *only* on a *Quantum Meruit*, to be ascertained by a Jury; considering the Jurisdiction of our Courts, you must perceive that an Officer in most Instances, when he is entitled to be paid, can bring no action on which the Justice of his Demand may be determined by a Jury; for the Demand may be 600 lb of Tobacco or fifty Shillings Current Money of Maryland or it cannot be brought before a Jury; if this be attended to, your Popular Argument must strike with little Impression

The Duration of the Inspection Law, under so many Continuances, affords a strong Presumption of the Utility of its Provisions, and the Proceedings of the Lower House in the Year 1755, give a most emphatical Proof of it.

The following is Part of his Excellency's Message to the Lower House at that Time

"Having just received Advices from the Lord Proprietary, I take this Opportunity of paying the most ready Obedience to his Lordship's Instructions, by acquainting you that his Lordship has, on a full and deliberate Consideration of the several Acts that were enacted in the October Session 1753, signified to me, that the Objections which lie against some Parts of the Act, entitled, An Act for amending the Staple of Tobacco, for preventing ffrauds in his Majesty's Customs, and for the Limitation of Officers ffees, would have induced him to signify his immediate Dissent to that Act, had not the Sense of the great Utility of that Part of the Act which relates to the Staple of Tobacco, his Lordship's affectionate Regard for his Tenants, and a firm Persuasion that you will not hesitate to prepare a Bill to repeal the Parts objected to, inclined him to suffer the Act to continue till his Pleasure thereon could be made known to you, that you may have an Opportunity to agree with the Gentlemen of the other House, on such repealing Act as his Lordship expects and desires. The exceptionable Clauses are those that relate to the regulating and limittting Officers ffees, and the Rates of English and foreign Coins."

In Answer to which his Excellency received the following Address p. 295 from the Lower House.

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In Answer to your Message of the 4.<sup>th</sup> Instant, we cannot but express our Concern, that any Parts of the Act, entitled, An Act for amending the Staple of Tobacco, for preventing ffrauds in his Majesty's Customs, and for the Limitation of Officers fees, should be liable to the least Objection from our Lord Proprietary.

We should be sorry to find that a Regulation of Officers ffees, agreed upon after the most mature Deliberation, by the several Branches of the Legislature, and subsisting five Years, and then again, with but small Alteration, revived and continued, should be so disagreeable to his Lordship, as to induce him to dissent to an Act, the greatest Proofs whereof he acknowledges to be of great Utility. We conceive the Parts objected to by his Lordship are of great Advantage to this Province, and highly conducive to the Ease and Quiet of his Lordship's Tenants; and forasmuch as his Lordship, from a Sense of the great Usefulness of that Part of the Act which relates to the Staple of Tobacco, and an affectionate Regard to his Tenants, has been induced not to signify his immediate Dissent thereto, so we, from the *same* Motives, as to the *whole*, cannot consent to a Repeal of those Parts, or either of them &c.<sup>ta</sup>

The Lower House having thus declined to pass an Act agreeable to his Lordship's Request, the Governor was prevailed upon by the Council, not to dissent to the Inspection Act, and upon the Representation and Solicitation of the Council, the Lord Proprietary withdrew his Instruction.

It must be admitted that without some Rule to controul the Demands of Officers, there would be great Danger of Extortion, and of perpetual Contest, the Timid might submit to the most grievous Oppression, and the Turbulent refuse to pay the most reasonable Demand. That I am not authorised to prevent the Mischiefs of Extortion and Litigation, by restraining the Officers Demands, is the Point you have endeavoured to maintain, on which you have display'd your Zeal, given ample Scope to your Patriotic Regards, and accused those, whose Opinion differs from your own, of being Enemies to the Peace, Welfare and Happiness of this Province, and the Laws and Constitution thereof, an heavy Charge, but, happily, a Charge that marks the Temerity and Rage of the Promoters of it; but is devoid of Proof to fix the imputed Guilt of the Accused, to whom I pay no great Compliment, when I say that they are animated by as tender a Regard for the Peace, Happiness and Constitution of this Province, as the Framers of the Address and Resolves.

For the very Purpose of regulating the Conduct of the Officers, in the Article of their ffees, to point out to them what they might, and beyond which they should not demand, I issued my (shadowed as you call it) Proclamation in the usual Words.

Maryland ss.

By his Excellency, Robert Eden, Esquire, Lieutenant General and  
Chief Governor in and over the Province of Maryland

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A PROCLAMATION

Being desirous to prevent any Oppressions and Extortions from being committed, under Colour of Office, by any of the Officers and Ministers of this Province, and every of them, their Deputies or Substitutes, in exacting unreasonable and excessive fees, from the good People thereof, I have thought fit, with the Advice of his Lordship's Council of State, to issue this my Proclamation; and I do therefore hereby order and direct, that from and after the Publication hereof no Officer or Officers (the Judges of the Land Office excepted, who are subject to other Regulation to them given in Charge) their Deputies or Substitutes, by Reason or Colour of his or their Office or Offices, have, receive, demand or take, of any Person or Persons, directly, or indirectly, any other or greater fees than by an Act of Assembly of this Province, entitled, An Act for amending the Staple of Tobacco, for preventing frauds in his Majesty's Customs, and for the Limitation of Officers fees, made and passed at An Act of Assembly, begun and held at the City of Annapolis, on Tuesday the fourth Day of October, in the Year of our Lord seventeen hundred and sixty three, were limited and allowed, or take or receive of any Person or Persons, on immediate Payment, (in Case Payment shall be made in Money) any larger fee than after the Rate of twelve Shillings and six Pence Common Current Money for One hundred Pounds of Tobacco, under the Pain of my Displeasure. And to the Intent that all Persons concerned may have due Notice thereof, I do strictly charge and require the several Sheriffs of this Province, to make this my Proclamation publick in their respective Counties in the usual Manner, as they will answer the contrary at their Peril. Given at the City of Annapolis this twenty sixth Day of November, in the 20.<sup>th</sup> Year of his Lordship's Dominion, Anno Domini 1770

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Signed by Order U Scott Cl. Com.

Rob.<sup>t</sup> Eden

Besides the Clauses mentioned in your Address, King Charles granted by the Charter of this Province to Lord Baltimore, all and singular the like, and as ample Rights, Jurisdictions, Privileges, Royalties, Liberties, Immunities, royal Rights, and Franchises of what kind soever temporal, as well by Sea as by Land, to enjoy the same as amply as any Bishop of Durham within the County Palatine of Durham then had, or at any Time theretofore had held, used or enjoyed, or of Right ought or might have had held, used or enjoyed

By another Clause in the Charter his Lordship had Power to appoint Deputies, Lieutenants, Judges, Justices, Magistrates, Officers



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and Ministers for what Cause soever, and with what Power soever, and in such fform as to him and his Heirs should seem most convenient, and to do all and every other Thing which unto the complete Establishment of Justice, Courts, Tribunals, and fforms of Judicature and Manner of Proceedings do belong, tho' in these Presents express Mention be not made thereof.

Argument would be unnecessary to prove, that if the royal Pre-rogative could settle the ffees of Officers in the Plantations, the same Authority was granted to Lord Baltimore in this Province and that the declaration Clause in the Charter "so that the same Ordinances do not in any Sort extend to oblige, bind, charge, or take away, the Right or Interest of any Person or Persons, of or in Member, Life, ffreehold, Goods or Chattels," contains no Restriction more than would have resulted by Operation of Law, nor renders his Lordship's Prerogative here, less forcible than the Royal in the other Colonies.

Between 1633 and 1637, the Officers appointed by Lord Baltimore, or his Governor, were authorized by their Commissions to demand and receive such ffees as were usually paid in England or Virginia for similar Services.

In the Year 1642 a Table of ffees was settled, and published by the Governor and Council

In the Year 1676 An Act passed for Limitation of Officers ffees, but before this Act was framed, the Lower House were acquainted in a Message from the Upper, that the List of Chancellor's ffees was settled by the then late Lord Proprietary, and his present Lordship would not consent to any Act for settling the same, it being his Pre-rogative; but that the List might be recorded in the Journals of the House; whereupon the Lower House voted, that they desire [not] to intrench on his Lordship's Prerogative, but all they aimed at was, that the Inhabitants might *certainly* know what ffees they were to pay, and since nothing could be more reasonable than that the same should be settled and published, they humbly requested his Lordship to ascertain the ffees of all his Officers, and that fair Lists thereof might be drawn out with his Lordship's Assent, and two Copies thereof sent to the respective County Courts to be published and recorded, and that an Act might be drawn up for the fining of every Officer exceeding the same

Pursuant to this perpetual Act of 1676 passed, with the following Proviso, "if any ffees for any Matter or Thing to be done, belonging to the several Offices, and by the Lord Proprietary or his Governor so allowed and adjudged, and not in this Act mentioned, then it shall be lawful to have and receive such ffees as the Lord Proprietary and Council shall allow, and no more."

p. 297 In June 1692, An Act for repealing the Laws theretofore passed, was enacted. In the same Assembly a temporary Act for Three Years, for Limitation of Officers ffees, passed with the same Proviso



as in the Act of 1676, and from 1692 to 1725, except for a very short Interval in Governor Hart's Time, Temporary Acts were passed from Time to Time for Limitation of Officers fees, with the same Proviso as in the Act of 1676.

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Governor Copley was empowered by his Commission and Instructions from the Crown, to settle with the Council, the fees of Officers.

In their Majesties Commission to M.<sup>r</sup> Blackiston in 1692 to be Commissary General, he was empowered to receive all Dues, Fees, Profits and Emoluments, belonging to his Office, as should be settled by their Majesties, or their Captain General and Council.

Governors Nicholson, Blackiston, Seymour and Hart, the successive Governors after Copley appointed by the Crown till Lord Baltimore was restored, were also respectively empowered to settle the Officers fees

In the Province of New York in the Year 1704 the fees of Officers were settled by the Governors and Council, and the Regulation, they established, has been continued to the present Time.

'Tis true that the Power given by the respective Royal Commissions, was seldom exercised, because fees were regulated, for the most Part, by Acts of Assembly, but it may be inferred from the Tenor of the Commissions, that the Prerogative of settling fees was claimed by the Crown, and, probably, it was a Power usually inserted in the Royal Commissions to the Governors of the Colonies.

You have seen that it has been exercised in New York. Shall it be said that King William, of Glorious Memory, Queen Anne, and George the First, were "Enemies to the Peace, Welfare and Happiness of this Province, and the Laws and Constitution thereof?" That the People of New York have been oppressed, and have tamely submitted to the Oppression? For a very short Time, during M.<sup>r</sup> Hart's Administration, the Act for Limitation of Officers fees ceased, and thereupon his Excellency directed the Keeper of the Seal to affix it to no Paper, till the fee should be paid according to the Rate of the expired Law, in Cash at the current Price of Tobacco. Those Precedents considered, must not your Resolves appear extremely violent?

In the Year 1692, when Governor Copley attempted to regulate Officers fees, the Act of 1676 was in full force, and there was no Occasion to exert the Prerogative to prevent Extortion, or for any other Purpose, the Act being sufficient, and having excluded the Regulation by Prerogative, so that the Precedent from the Proceedings in 1692, which you represented as decisive, not being applicable, and the Precedents on the other Side being very numerous, you ought to be satisfied on your own Principle, that you have been too hasty.

If the Regulation of Officers fees be a Tax, which by the Con-

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stitution cannot be settled by any Authority less than the legislative, the Judges of the King's Courts in Westminster Hall, who have regulated the fees of Officers in various Instances, have been extremely culpable, and the juridical Decisions, as well as the Opinions of Lawyers of great Emmeince [*sic*], Lord Coke among the rest, have been erroneous.

In the Year 1733, Lord Baltimore by his Proclamation settled the fees of Officers. His Lordship did not proceed without good Advice, and if the Decrees and Judgments of all the Courts of Law and Equity within this Province, in innumerable Instances, are of any, and surely they ought to be of the greatest, Weight, his Regulation was legal; for the Costs in every Suit from 1733 to 1747 were decreed or adjudged in all the Courts, according to the Rates of his Lordship's Proclamation.

It is true that the Lower House in the late Session declared their Opinion, that fees could not be regulated by the Lord Proprietary, by himself, or the Advice of his Council, and threatned an Opposition to what was called in their Address the Usurpation of such a Right. My Answer was, that I had no Reason to imagine his Lordship's Authority would interpose in such a Manner as to justify a regular Opposition to it, nor have I yet any Reason to think that it has, tho' it has met with your Opposition and severe Censure. I was not so  
p. 298 rash as to promise, or sanguine to expect, that any Measure I could pursue would divert the Aims of ffaction, or appease the Rage of Disappointment. The plain View of the Address was, that the Loss of the Inspection Law might be aggravated by the Confusion and Vexation which would naturally arise from the total Want of every kind of Regulation. Let it be supposed that Actions should be brought for the Establishment of each ffee, or that Officers should be prosecuted for Extortion, who would be benefitted by the Litigation? Not the Community in General. Such Contests would hardly be desired by Friends to the Peace, Welfare and Happiness of this Province.

Not only your Regard for the Rights of the People in general, but even for the Officers, has disposed you to complain, that they have been illegally restrained. How far your Constituents may think themselves obliged to you for the Objection you have made against my Restrictions of the Officers, and Threats to remove them, should they commit Extortion, I cannot promise; but I must remark that you differ in Sentiment extremely from the Assembly in the Year 1739, for when Governor Ogle, in his Speech, proposed, in Order to encourage the Circulation of Paper Money, that the Officers should be compelled by an Act to receive their fees in Money, the Lower House answered, that it was in his Excellency's Power to command them; but he could no otherwise compel them to receive their Fees in money, than by the Threats of his Displeasure and his Power to remove them. How proper your Application of Part of my Message, on the Subject of M.<sup>r</sup> Steuart's Imprisonment, is to

my Restriction of Officers in the Article of fees, it is unnecessary to prove. The Impropriety of it must strike at the first Glance.

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I thought, and still think, that his Lordship has the clearest Right to dispose of his real Estate on such Terms as he may judge to be proper, to direct the formal Observances in making Titles to his Grants, and to settle and regulate the Fees his Officers in this Department may demand and receive, and was very little aware, that any momentous Question could be raised to alarm any one, which, I hope, will be obviated, when I declare, that tho' I must conceive his Lordship's Preheminence does not deprive him of the Power every Man has over his Property, either to retain or dispose of it, on such Terms as we may chuse, yet am I also satisfied, that his Lordship has as little Authority as Inclination to reduce the People of this Province to the Condition of Tenants at Will, or in any Degree to impeach or impair their Rights. You speak of his Conditions of Plantations. They are various, and were published at different Periods. The Circumstances of the Province have undergone great Alterations, and the Conditions having been adapted to these, have consequently varied. His Lordship's Property and Authorities, under the Charter, are very ample and extensive. By the Terms of the Royal Grant, he may grant in fee Simple, fee Tail, for Life, or Years, by so many, such, and so great Services, Customs and Rents, as to him, his Heirs and Successors shall seem fit and agreeable. You, however, cannot but think him bound by some Conditions of Plantations, tho' you have not explained whether the first, last, or which of the intermediate, among the various Conditions that have at different Periods been published; to all of which, moreover, Reservations have been added, that they should be in force only till superceded by other. This Pretension is so extravagant, that it cannot be of any Use to spend Time in exposing it. Whilst you express a Solicitude that his Lordship's Tenants should be secure in their Property, the Regard due to Justice should have prevented a Suggestion that must shock every Idea of it. His Lordship will make no injurious Attempt on the Rights of his Tenants, nor suffer them to invade his.

His Lordship's Authority to dispose of his Property, as he pleases, cannot be seriously doubted, and as he may set the Value of One hundred Shillings or One hundred Pounds, on One hundred Acres of Land, so may he, as well as every other Person having Property, require that his Officers and Agents shall be employed, Formalities be observed, and fees or Rewards paid to his Servants. In this Respect the Land Office may be called, if you please his Lordship's private Office. So far as it is the Repository of the Muniments of his Tenants Estate, it is a publick Office, and all the People of Maryland are entitled to have Access to it, as well as to other Offices. It would be Injustice to deny it; but the Officers in this Department



L. H. J. are of his Lordship's Appointment, and are not bound to do any  
 Liber No. 54 Services without an adequate Compensation for them.  
 Nov. 30

Being, however, under a different Predicament from the other  
 Officers, considered in One Respect as the private Agents of his  
 p. 299 Lordship, and in the other as having the Custody of publick Records  
 and the Muniments of the Peoples Estates, in my Regulation they  
 have been separated from the other Officers, as they had on similar  
 Occasions. Cease then your Endeavours to alarm, by suggesting  
 an Apprehension you cannot feel.

It is not only the Right, but the Duty of the Representatives of  
 the People to remonstrate against every Infringement of their Privi-  
 leges; but permit me to observe too, that they ought to be particularly  
 cautious in their Assumption and Exercise of Powers with which  
 they are not intrusted by the Constitution. Your Practice of ordering  
 the Attendance of Men at your Bar, and imposing ffines upon them  
 under the Term *ffees* is not to be defended, and this Proceeding is  
 so irregular and oppressive, that I am surprized it has not been  
 check'd by Opposition. The Opposition of one Man would at once  
 shew, that you have assumed a Jurisdiction you have not the Means  
 of compelling an Obedience to, and, consequently, not belonging to  
 your Body.

Your Claim of Privilege in the Article of Taxes, I presume will  
 not be easily admitted by the Upper House. Usage and Precedents  
 are against it, and as you have shewn a just Respect for the Senti-  
 ments of Lord Camden on another Subject, so I hope you will not  
 disregard his Opinion upon this Topick. On the Quere, "whether  
 the Lower House of Maryland be entitled to the Privilege they have  
 claimed on Money Bills," his Lordship's Answer was, "That the  
 Upper House are right in making a Stand, and should take Care  
 how they admit Encroachments of this Kind when they are sup-  
 ported by Arguments drawn from the Exercise of like Rights in the  
 House of Commons here; the Constitutions of the two Assemblies  
 differ fundamentally in many Respects. Our House of Commons  
 stands upon its own Laws; whereas Assemblies in the Colonies are  
 regulated by the respective Charters, Usages, and the Common Law  
 of England, and will never be allowed to assume all those Privileges,  
 which the House of Commons are entitled to justly, here, upon  
 Principles that neither can, nor must be applied to the Assemblies  
 of the Colonies; and in this Disposition of the Lower House to  
 assume to themselves any Privileges, which the English House of  
 Commons enjoy here, all such Attempts should be resisted, where  
 they are unreasonable with Firmness, and no Encroachment should  
 be established upon the Weight of that Argument singly; for I am  
 satisfied, neither the Crown nor the Parliament will ever suffer the  
 Assemblies to erect themselves into the Power of the British House  
 of Commons."



I did not determine to issue my Proclamation, till after the most mature Consideration, it appeared to me to be a Measure, not only lawful, but necessary; not only what I might, but what I ought to pursue; the Framers of your Resolves have, indeed, censured it, in outrageous Terms of Resentment, and I am not without Suspicion, the great Benefits of an Inspection Law have been given up, that Clamour and Dissention might succeed; but I have Reason to believe, most thinking and dispassionate Men approve of an Interposition calculated to promote the Peace and Tranquility, and consequently the Happiness of the People. Whom I am to consult, and whom exclude from my Confidence, I must not suffer you to direct, however ardently some of you may wish it; nor shall any Man have the least Pretence to reproach me with the Dishonour of having betrayed, with the smallest Appearance, his Confidence. So clear is my Conviction of the Propriety and Utility of a Regulation to prevent Extortion and infinite Litigation, that, instead of recalling, if it was necessary to enforce it, I should remove my Proclamation, and, in stronger Terms, threaten all Officers with my Displeasure, who shall presume to ask or receive of the People, any fee beyond my Restrictions

L. H. J.  
Liber No. 54  
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Rob.<sup>t</sup> Eden

Annapolis 29.<sup>th</sup> Nov.<sup>r</sup> 1771.

Which was read.

Daniel of Saint Thomas Jenifer Esq.<sup>r</sup> from the Upper House, delivers to M.<sup>r</sup> Speaker, the Paper Bill N.<sup>o</sup> 39 thus indorsed: By the Upper House of Assembly, Nov.<sup>r</sup> 29.<sup>th</sup> 1771: The ingrossed Bill whereof this is the Original read and assented to

Signed by Order U Scott Cl. Up. Ho.

Ordered, That the Proceedings upon the Conference, the Address to the Governor upon the Subject of his Proclamation, the Resolves therewith sent, and the Governor's Answer thereto, be immediately printed separate from the Journal, and four distinct Copies sent, in the same Manner as publick Letters are sent, to each Person who is entitled to receive the Votes and Proceedings of this House. p. 300

Ordered, That M.<sup>r</sup> Grahame and M.<sup>r</sup> Mackall do acquaint his Excellency that no publick Business lies before this House

Benedict Calvert and Daniel Dulany, Esquires, from the Upper House, acquaint M.<sup>r</sup> Speaker that the Governor requires the immediate Attendance of the Lower House in the Upper House.

M.<sup>r</sup> Speaker left the Chair, and, attended by the Members of the Lower House, went to the Upper House, and there presented to his Excellency the following engrossed Bills Viz.<sup>t</sup>

N.<sup>o</sup> 1. An Act for vesting in such foreign Protestants as are now naturalized, or shall be hereafter naturalized in this Province, all the Rights and Privileges of natural born Subjects.

L. H. J. N.º 2. An Act for the Adjournment and Continuance of the High  
Liber No. 54 Court of Appeals  
Nov. 30

N.º 3. An Act empowering the Justices of Prince George's and Frederick Counties, to levy on the taxable Persons of Prince George's Parish in said Counties the Sum of six thousand Pounds of Tobacco, for building a new Parish Church, at or near the Place where the old One now stands

N.º 4. A Supplementary Act to the Act entitled An Act for building a Parish Church in Queen Anne Parish in Prince George's County

N.º 5. An Act continuing An Act entitled An Act to establish a Market at the Market House in Chester Town in Kent County and for the Regulation of the said Market

N.º 6. An Act continuing An Act entitled An Act for the Preservation of the Breed of Fish

N.º 7. An Act for imposing a further additional Duty of five Pounds Current Money per Poll on all Negroes imported into this Province

N.º 8. A Supplementary Act to the Act entitled An Act for the building of a Parish Church in Christ Church Parish, in Calvert County

N.º 9. An Act to empower the Justices of Somerset and Worcester Counties to levy on the taxable Inhabitants of Stepney Parish in said Counties the Sum of sixty thousand Pounds of Tobacco for the Uses therein mentioned, and to establish the Church at Green Hill, the Parish Church for said Parish

N.º 10. An Act to empower the Justices of Worcester County to levy on the taxable Inhabitants of All-Hallow's Parish in said County the Quantity of Thirty two thousand Pounds of Tobacco for the Uses therein mentioned.

N.º 11. An Act for preventing trivial Suits in the Provincial Court

N.º 12. An Act for confirming to Samuel Cookson of Baltimore County, sundry Lands therein mentioned

N.º 13. An Act to prohibit raising Swine and Geese in George Town in Frederick County

N.º 14. An Act reviving and continuing An Act entitled An Act for amending and repairing the publick Roads in Baltimore County

N.º 15. An Act to divide Prince George's Parish in Frederick County, and to erect one new Parish by the Name of Christ Church Parish

N.º 16. An Act to prevent the Exportation of flour, not merchantable, from George Town in Frederick County

N.º 17. A Supplementary Act to the Act entitled An Act to enable the Justices of Dorchester County Court to assess and levy on the

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taxable Inhabitants of the said County a Quantity of Tobacco for the Purpose of building a Court House

N.º 18. An Act to impower ffrank Leeke and George Digges, Administrators of Charles Digges late of Prince George's County deceased with the last Will of the same Charles to their Letters of Administration annexed to sell a Lot of Ground of the same Charles situate and being in the Town of Upper Marlborough in Prince George's County aforesaid for the Payment of the Debts of the said Charles Digges

N.º 19. An Additional Supplementary Act to the Act entitled, An Act for the Relief of the Poor within the several Counties therein mentioned

N.º 20. An Act to enable the Commissioners for emitting Bills of Credit to pay to William Mills, John Peacock, Peter Payne, Executor of Ralph Price, and Ann Gaither, the Sums of Money therein mentioned

N.º 21. An Act to prevent the Exportation of flour, Staves and Shingles, not merchantable, from the Town of Baltimore or Fell's Point in Baltimore County, and to regulate the Weight of Hay, and Measure of Grain, Salt, flax Seed, and fire Wood within the said Town

N.º 22. An Act continuing An Act entitled An Act for licensing Ordinary Keepers Hawkers Pedlers and Petty Chapmen p. 301

N.º 23. An Act for the Relief of certain Prisoners in the several Jails therein mentioned

N.º 24. An Act to remedy divers Defects in the Records of Charles County

N.º 25. An Act for the further Adjournment and Continuance of the High Court of Appeals

N.º 26. An Act for the Adjournment and Continuance of Frederick County Court

N.º 27. An Act empowering the Justices of Prince George's and Charles Counties, to levy on the taxable Inhabitants of S.<sup>t</sup> John's, commonly called King George's, Parish, in said Counties, the Quantity of fifty six thousand Pounds of Tobacco for the Purposes therein mentioned.

N.º 28. An Act for the Naturalization of Charles Frederick Wiesenthal

N.º 29. An Act to levy on the taxable Inhabitants of Baltimore County the Quantity of three hundred thousand Pounds of Tobacco for finishing and completing the Court House and Prison of the said County

N.º 30. An Act to impower Elizabeth Williams Administratrix of George Williams with the Will annexed to make and execute the Conveyances therein mentioned

L. H. J. N.º 31. An Act to impower Jane Ridgely Executrix of Nicholas  
Liber No. 54 Greenbury Ridgely late of Ann Arundel County deceased to convey  
Nov. 30 the Land therein mentioned

N.º 32. An Act for the directing the Sale of the Lands of John Stone Hawkins, late of Prince George's County deceased for the Payment of the Payment of the Debts of the said John Stone Hawkins

N.º 33. An Additional Supplementary Act to the Act entitled An Act for the Establishment of Religious Worship in this Province according to the Church of England and for the Maintenance of Ministers

N.º 34. An Act to enable the Executors of Thomas Colvill to convey the Land therein mentioned

N.º 35. An Act for amending and declaring the Law in the Cases therein mentioned

N.º 36. An Act for the speedy and effectual Publication of the Laws of this Province and for the Encouragement of Ann Catharine Green of the City of Annapolis Printer

N.º 37. An Act to impower Mary Louttitt Executrix of James Louttitt deceased to convey One undivided third Part of the Mill and Land therein mentioned

N.º 38. An Act relating to the Levy and Poor of Anne Arundel County

N.º 39. An Act empowering the County Courts to settle with Persons who were formerly Inspectors of Tobacco

All which, except N.º 15 and 32 his Excellency passed into Laws in the usual Manner, and made the following Speech  
Gentlemen of the Upper and Lower Houses of Assembly

I am sorry the Season is so far advanced, that you are prevented entering into Consideration of those Subjects which I recommended to your Attention at the Opening of the Session; I must however hope, that their Utility will not be overlooked the first Opportunity that presents itself to you, especially a Review of the State of the Criminal Law, the Defects of which I so fully pointed out, on the Address of the Lower House, this Session; a Circumstance which flattered me with Hopes that the same would be taken into immediate Consideration

Gentlemen of the Lower House

The vast Loss of Time to yourselves, and the great Expence of Money to the Country which has accrued this Session, and the very little Business that has been done at it, give me the greater Concern, as I had flattered myself, that an Inspection Act would be reenacted, from which so many Benefits had been experienced.

How it has happened that your Sentiments in respect of that



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Regulation, are so opposite to the Opinion of the Assembly in 1755, I shall not undertake absolutely to pronounce. In 1755, as appears by your Journals, Lord Baltimore threatened his Dissent to the Inspection Law, then in force, because it contained a Regulation of Officers fees, and of foreign Coins: His Instruction being communicated by the Governor, the Lower House expressed their Sorrow, that a Regulation of Officers fees, agreed upon after the most mature Deliberation, and that had subsisted for five Years, been revived and continued, should be objected to by his Lordship; and declared their Opinion, that the Parts respecting Officers fees and foreign Coins were of great Advantage, and highly conducive to the Ease and Quiet of the People. The Governor was then prevailed upon by the Council, to suspend the Publication of his Lordship's Dissent, and on the Representation and earnest Solicitation of the Council, his Lordship withdrew his Instruction. p. 302

I am willing to impute my present Disappointment to the flame you were blown into at the Opening of the Session, by the mistaken Construction or Explanation of a Proclamation issued by me, solely for the Benefit of the People of this Province, by Nine Tenths of whom I have the greatest Reason to think it was so understood. I must add, that I sincerely wish the same Zeal for the Service of this Province which has all along actuated my Conduct, was diffused amongst others, and it is not now too late to hope it may be so hereafter.

His Lordship's Officers throughout the Province, are thoroughly acquainted with my Sentiments, and the Consequence of any Disobedience of the Orders issued by me with respect to any Imposition on, or Extortion from the People, during the Want of the Inspection Law, I am therefore under no Necessity of repeating the Proclamation on that Head, otherwise, notwithstanding your Address, I most certainly should do what I think my Duty in the Situation I am placed requires; and whilst I continue therein, I hope my Actions will ever evince, that the Prosperity of the Province is the First Object of my Wishes.

Gentlemen of both Houses,

It is full Time to put an End to this Session. By and with the Advice therefore of his Lordship's Council of State, I hereby prorogue this Assembly to the 18.<sup>th</sup> Day of February next, being the third Tuesday of that Month; and you will accordingly take Notice that you are prorogued to that Time.

So endeth this Session of Assembly, this 30.<sup>th</sup> Day of November, in the Twenty first Year of the Dominion of the Right Honourable Frederick Absolute Lord and Proprietary of the Provinces of Maryland and Avalon Lord Baron of Baltimore &c.<sup>ta</sup>, and in the Year of our Lord 1771

Test Jn.<sup>o</sup> Duckett Cl. Lo. Ho.

# ACTS OF THE ASSEMBLY PASSED DURING OCTOBER–NOVEMBER, 1771

Liber R. G. Maryland S.<sup>s</sup>

1771  
p. 103

At a Session of Assembly begun and held at the City of Annapolis on Wednesday the second Day of October in the Year of our Lord one thousand seven hundred and seventy one and in the twenty first Year of the Dominion of the Right Honourable Frederick Absolute Lord and Proprietary of the Provinces of Maryland and Avalon Lord Baron of Baltimore &c.<sup>a</sup> and ending the twenty ninth Day of November following. The following Laws were enacted and assented to by his Excellency Robert Eden Esquire Governor.

No. I An Act for vesting in such foreign Protestants as are now naturalized or shall be hereafter naturalized in this Province all the Rights & Privileges of natural born Subjects.

[Preamble.] Whereas many foreign Protestants have already settled in this Province & others from the Lenity of our Government, the Purity of our Religion, & the Benefit of our Laws may be hereafter induced to settle therein if they were made Partakers of the Advantages & Privileges which natural born Subjects enjoy.

[Foreign  
Protestants  
naturalized  
in this Prov-  
ince, pur-  
suant to  
Stat. Geo. II.  
shall be  
deemed  
natural born  
Subjects.]

Be it therefore enacted by the Right Honorable the Lord Proprietary by & with the Advice & Consent of his Lordship's Governor & the Upper & Lower Houses of Assembly & the Authority of the same. That all such foreign Protestants who have been already naturalized in this Province pursuant to the Directions of the Statute made in the thirteenth Year of the Reign of his late Majesty King George the Second Entitled "An Act for naturalizing such foreign Protestants & others therein mentioned as are settled or shall settle in any of his Majesty's Colonies in America," & all foreign Protestants who shall be hereafter naturalized in this Province pursuant to the Directions of the said Statute shall be deemed adjudged & taken to be natural born Subjects to all Intents, Constructions & Purposes as if they & every of them had been born within the Kingdoms of Great Britain or Ireland or within any other of his Majesty's Dominions, any Law to the Contrary in any wise notwithstanding.

By the Lower House of  
Assembly, October 14.<sup>th</sup>  
1771. Read & Assented  
to,

Signed by Order,  
Jn.<sup>o</sup> Duckett Cl. Lo. Ho.

On Behalf of the Right  
Honble the Lord Pro-  
prietary of this Province  
I will this be a Law

Rob.<sup>t</sup> Eden

By the Upper House of  
Assembly Oct.<sup>r</sup> 15.<sup>th</sup> 1771.  
Read & assented to.

Signed by Order,  
U Scott Cl. Up. Ho.

The Great Seal  
in Wax Appendant.

- No. 2 An Act for the Adjournment & Continuance of the High Court of Appeals. Liber R. G.  
1771

Whereas an Adjournment of the High Court of Appeals is at this Time necessary Be it enacted by the Right Honourable the Lord Proprietary by & with the Advice & Consent of his Lordship's Governor & the Upper & Lower Houses of Assembly & the Authority of the same; That all Causes, Pleas, Process & Pleadings now depending in or returnable to the said High Court of Appeals now sitting & which cannot otherwise so long continue, shall be & are by Virtue of this Act Adjourned & continued untill the third Friday in November next & shall then be in the same State Plight & Condition as they now are any Law, Usage or Custom to the Contrary notwithstanding. [High Court  
of Appeals  
adjourned.]  
  
p. 104

By the Lower House of  
Assembly, October 15<sup>th</sup>  
1771. Read & Assented to,  
Signed by Order  
Jn.<sup>o</sup> Duckett Cl. Lo. Ho.

On Behalf of the Right  
Honble, the Lord Pro-  
prietary of this Province  
I Will this be a Law  
Rob.<sup>t</sup> Eden.

By the Upper House of  
Assembly Oct.<sup>r</sup> 15.<sup>th</sup> 1771.  
Read & Assented to.  
Signed by Order.  
U Scott Cl. Up. Ho.

The Great Seal  
in Wax appendant.

- No. 3 An Act empowering the Justices of Prince Georges and Frederick Counties to Levy on the Taxable Persons of Prince Georges Parish in said Counties the Sum of ninety six thousand Pounds of Tobacco for building a new Parish Church at or near the Place where the old one now stands.

Whereas the Rector, Vestrymen, Church Wardens & sundry Parishioners of Prince Georges Parish in Prince Georges & Frederick Counties, by their humble Petition to this General Assembly, representing that their Parish Church is in a ruinous Situation & very much gone to decay so as to be quite unfit for any further Repairs & evidently dangerous for the Minister & Congregation who attend Worship there, have prayed that an Act may pass for the Assessment of ninety six thousand Pounds of Tobacco on the Taxable Inhabitants of the said Parish for building a new Parish Church. [Preamble.]

Be it therefore enacted by the Right Honourable the Lord Proprietary by & with the Advice & Consent of his Lordship's Governor & the Upper & Lower Houses of Assembly & the Authority of the same. That the Justices of Prince Georges & Frederick Counties, for the Time being, shall be & they are hereby impowered & required, on the Application of the Vestry & Church Wardens of Prince George's Parish aforesaid or the Major Part of them to Assess & Levy on the Taxable Inhabitants of the said Parish the aforesaid Sum of ninety six thousand Pounds of Tobacco & the Salary of five per Centum to the Sheriff for collecting the same, at two equal [The Justices  
of Prince  
George's and  
Frederick  
Counties, on  
Application  
of the Ves-  
try, &c. of  
Prince  
George's  
Parish, to  
levy on the  
taxable In-  
habitants of



Liber R. G. Assessments, which said Assessments shall be respectively made by  
<sup>1771</sup>  
 said Parish the Justices aforesaid in Proportion to the taxable Inhabitants of the  
 96,000 lb said Parish residing in their respective Counties & the same together  
 Tobacco, for with the Sheriff's Salary for Collection shall be payable by the taxable  
 building a Inhabitants of the said Parish & collected by the Sheriffs of said  
 new Parish Counties in common Money at the Rate of twelve Shillings & six  
 Church.] Pence per hundred Pounds of Tobacco, & shall be by them re-  
 spectively paid to the Vestry & Church Wardens of the said Parish  
 for the Time being who are hereby authorized & impowered to apply  
 the same to the Building a new Parish Church at or near the Place  
 where the Old one now stands to no other Use or Purpose what-  
 soever.

By the Lower House of  
 Assembly October 23.  
 1771. Read & Assented to  
 Signed by Order  
 Jn.<sup>o</sup> Duckett Cl. Lo. Ho.

On Behalf of the Right  
 Honble the Lord Pro-  
 prietary of this Province  
 I Will this be a Law  
 Rob.<sup>t</sup> Eden.

By the Upper House of  
 Assembly Nov.<sup>r</sup> 4.<sup>th</sup> 1771.  
 Read & Assented to.  
 Signed by Order,  
 U. Scott, Cl. Up. Ho.

The Great Seal  
 in Wax Appendant.

No. 4 A Supplementary Act to the Act entitled an Act for the Building a  
 p. 105 Parish Church in Queen Anne Parish in Prince Georges County.

[Preamble, Whereas by the Act entitled an Act for the Building a Parish  
 reciting Church in Queen Anne Parish in Prince Georges County the Justices  
 Part of a the said County were thereby required to Levy upon the Payable  
 former Inhabitants of the said Parish a Quantity not exceeding one hun-  
 Act.] dred & fifty thousand Pounds of Tobacco together with the Sheriff's  
 Salary of five Pounds of Tobacco per Centum for collecting the  
 same by three equal Assessments, that is to say, one third Part  
 thereof at their November Court in the Year of our Lord one thou-  
 sand seven hundred & seventy, One third Part thereof at their  
 November Court in the Year one thousand seven hundred & seventy  
 one, and the remaining one third Part thereof at their November  
 Court in the Year one thousand seven hundred & seventy two. But  
 it appearing that for the Want of timely Notice of the said Act no  
 Part of the above Sum of one hundred and fifty thousand Pounds  
 of Tobacco was levied by the Justices aforesaid at their November  
 Court in the Year seventeen hundred & seventy.

Be it therefore enacted by the Right Honourable the Lord Pro-  
 prietary by & with the Advice & Consent of his Lordship's Gov-  
 ernor & the Upper & Lower Houses of Assembly & the Authority  
 of the same, That the Justices of Prince Georges County shall & they  
 are hereby required to levy on the Taxable Inhabitants of Queen  
 Anne Parish aforesaid at their November Court which shall be in  
 the Year of our Lord one thousand seven hundred & seventy three

[An Omission under the former Act remedied.]



so much of the said One hundred & fifty thousand Pounds of Tobacco & Salary for Collection as was directed & intended to have been levied at their November Court in the Year one thousand seven hundred & seventy, to be collected paid & applied as by the above Act expressed & declared any Thing therein contained to the Contrary notwithstanding.

By the Lower House of  
Assembly, October 23.<sup>d</sup>  
1771. Read & assented to  
Signed by Order  
Jn.<sup>o</sup> Duckett Cl. Lo. Ho.

On Behalf of the Right  
Honble, the Lord Pro-  
prietary of this Province,  
I Will this be a Law.  
Rob.<sup>t</sup> Eden.

By the Upper House of  
Assembly Nov.<sup>r</sup> 4.<sup>th</sup> 1771.  
Read & assented to,  
Signed by Order,  
U. Scott Cl. Up. Ho.

Liber R. G.  
1771

The Great Seal  
in Wax appendant.

- No. 5 An Act continuing an Act entitled an Act to establish a Market at the Market House in Chester Town in Kent County, & for the Regulation of the said Market.

Be it enacted by the Right Honourable the Lord Proprietary by & with the Advice & Consent of his Lordships Governor & the Upper & Lower Houses of Assembly & the Authority of the same, That an Act of Assembly of this Province, entitled an Act to establish a Market at the Market House in Chester Town in Kent County & for the Regulation of the said Market, made at a Session of Assembly begun & held at the City of Annapolis the seventeenth Day of March one thousand seven hundred & sixty two, be, & is hereby continued in full Force from & after the End of this present Session of Assembly, for & during the Term of three Years & to the End of the next Session of Assembly which shall happen after the End of the said three Years.

[An Act to  
establish a  
Market-  
House in  
Chester-  
Town  
continued.]

By the Lower House of  
Assembly, October 23.<sup>d</sup>  
1771. Read & assented to.  
Signed by Order,  
Jn.<sup>o</sup> Duckett Cl. Lo. Ho.

On Behalf of the Right  
Honble, the Lord Pro-  
prietary of this Province,  
I Will this be a Law.  
Rob.<sup>t</sup> Eden.

By the Upper House of  
Assembly Nov.<sup>r</sup> 4. 1771.  
Read & assented to.  
Signed by Order  
U Scott Cl. Up. Ho.

The Great Seal  
in Wax Appendant.

- No. 6 An Act continuing an Act entitled an Act for the Preservation of the Breed of Fish. p. 106

Be it enacted by the Right Honourable the Lord Proprietary by & with the Advice & consent of his Lordships Governor, & the Upper & Lower Houses of Assembly & the Authority of the same That an Act of Assembly of this Province entitled, An Act for the Preservation of the Breed of Fish, made at a Session of Assembly begun & held at the City of Annapolis on Tuesday the twenty fourth Day of

[An Act  
for the  
Preservation  
of the Breed  
of Fish  
continued.]

Liber R. G. May seventeen hundred & sixty eight be & is hereby continued, &  
 1771 shall remain & be in full Force for & during the Term of three  
 Years, & to the End of the next Session of Assembly which shall  
 happen after the End of the said three Years.

By the Lower House of  
 Assembly, October 23.<sup>d</sup>  
 1771. Read & assented to.  
 Signed by Order,  
 Jn.<sup>o</sup> Duckett Cl. Lo. Ho.

On Behalf of the Right  
 Honble, the Lord Pro-  
 prietary of this Province  
 I Will this be a Law  
 Rob.<sup>t</sup> Eden.

By the Upper House of  
 Assembly Nov.<sup>r</sup> 4. 1771.  
 Read & Assented to.  
 Signed by Order.  
 U Scott Cl. Up. Ho.

The Great Seal  
 in Wax Appendant.

No. 7 An Act for imposing a further additional Duty of five Pounds  
 Current Money per Poll on all Negroes imported into this  
 Province.

[After the  
 last Day  
 of Oct. next,  
 5 l. Current  
 Money,  
 additional  
 Duty, to be  
 paid on all  
 Negroes  
 imported.] Be it enacted by the Right Honourable the Lord Proprietary  
 by & with the Advice & Consent of his Lordships Governor & the  
 Upper & Lower Houses of Assembly & the Authority of the same,  
 That from & after the last Day of October next all Masters of  
 Ships & other Vessels & all other Persons importing or bringing  
 Negroes into this Province by Land or Water shall at the Time of  
 making their Entry or bringing in the same pay unto the Naval  
 Officer of the Port or Place where they shall make their Entry or  
 bring in such Negroes the Sum of five Pounds Current Money  
 over & above what by the Laws of this Province now in Force is  
 to be paid for every Negroe so imported or brought in on Penalty &  
 [Penalty.] Forfeiture of twenty Pounds Current Money for every Negro so  
 imported or brought in & not paid for as aforesaid to be recovered  
 by Action of Debt or on the Case with full Costs in any Court of  
 Record within this Province having Cognizance of the same, one  
 Half thereof to be applied to the Use of him her or them that shall  
 sue for the same, the other Half to be applied to the Use of the  
 County Schools within this Province which said Duty shall be  
 collected, accounted for, & paid by the several Naval Officers in the  
 same Manner as the Duties on Negroes heretofore imposed by the  
 Laws of this Province are directed to be collected accounted for &  
 paid & under the like Penalties to be recovered & applied in like  
 Manner as in the said Laws is mentioned & shall be applied to the  
 Use of the County Schools in like Manner as the Duties on Negroes  
 are by former Laws of this Province directed to be applied thereto,  
 [Proviso.] Provided always that nothing herein contained shall hinder any  
 Person or Persons, who shall remove from any other of his Maj-  
 esty's Dominions in order to settle & reside within this Province  
 from bringing with him her or them such Negroes as he she or  
 p. 107 they shall be possessed of for carrying on his her or their proper  
 Occupation at the Time of such Removal but that such Negroes may

be imported Duty Free; any Thing herein to the Contrary notwithstanding. Provided also that if any Importer or bringer in of any such Negroes as aforesaid shall desire to export them or any of them within four Months from the Time of their Importation & shall make Report thereof to the Naval Officer with whom they were first entered & shall export all or any of them it shall & may be lawful for such Naval Officer to repay the aforesaid Duty to such Importer or bringer in for such Negroes in Proportion to the Number that shall be so exported.

Liber R. G.  
1771

This Act to continue & be in Force for & during the Term of seven Years & to the End of the next Session of Assembly which shall happen after the said seven Years.

[Continu-  
ance.]

By the Lower House of  
Assembly, October 26.<sup>th</sup>  
1771. Read & assented to.  
Signed by Order,  
Jn.<sup>o</sup> Duckett Cl. Lo. Ho.

On Behalf of the Right  
Honble the Lord Pro-  
prietary of this Province  
I Will this be a Law.  
Rob.<sup>t</sup> Eden.

By the Upper House of  
Assembly Nov.<sup>r</sup> 4.<sup>th</sup> 1771.  
Read & assented to.  
Signed by Order,  
U Scott Cl. Up. Ho.

The Great Seal  
in Wax appendant

No. 8 A Supplementary Act to the Act entitled an Act for the Building of a Parish Church in Christ Church Parish in Calvert County.

Whereas the Justices of Calvert County were directed by the Act entitled an Act for the Building of a Parish Church in Christ Church Parish in Calvert County made at a Session of Assembly begun & held at the City of Annapolis on the seventeenth Day of November One thousand seven hundred & sixty nine to assess on the Taxable Inhabitants of the said Parish at three equal Assessments the Quantity of one hundred & sixty thousand Pounds of Tobacco. And Whereas one third Part of the said Tobacco remains yet to be assessed & it is represented to this present General Assembly that the same will be more than sufficient to answer the Purposes of erecting building compleating & finishing the said Parish Church.

[Preamble,  
reciting Part  
of a former  
Act for  
building a  
Parish  
Church in  
Christ  
Church  
Parish.]

Be it enacted by the Right Honourable the Lord Proprietary by & with the Advice & Consent of his Lordship's Governor & the Upper & Lower Houses of Assembly & the Authority of the same That the Vestrymen & Church Wardens of the said Parish or the Major Part of them shall & they are hereby required by the fifth Day of next November Court to certify to the Justices of Calvert County aforesaid the Quantity of Tobacco that is requisite & necessary for finishing & compleating the said Parish Church & the said Justices shall not assess on the Taxable Inhabitants of the said Parish a greater Quantity of Tobacco than shall be so certified with the

[A Quantity  
of Tobacco  
necessary for  
compleating  
the same to  
be assessed  
on the tax-  
able Inhabi-  
tants of said  
Parish.]



Liber R. G. Sheriff's Salary of five per Cent for collecting the same: any Thing  
1771 in the said Act to the Contrary notwithstanding.

By the Lower House of  
Assembly, October 25<sup>th</sup>  
1771. Read & assented to,  
Signed by Order,  
Jn.<sup>o</sup> Duckett Cl. Lo. Ho.

On Behalf of the Right  
Honble the Lord Pro-  
prietary of this Province,  
I Will this be a Law.  
Rob.<sup>t</sup> Eden.

By the Upper House of  
Assembly Nov.<sup>r</sup> 4. 1771.  
Read & assented to.  
Signed by Order,  
U. Scott Cl. Up. Ho.

The Great Seal  
in Wax appendant

No. 9 An Act to empower the Justices of Somerset & Worcester Counties  
p. 108 to levy on the Taxable Inhabitants of Stepney Parish in said  
Counties the Sum of sixty thousand Pounds of Tobacco for the  
Uses therein mentioned & to establish the Church at Greenhill the  
Parish Church for said Parish.

[Preamble,  
setting forth  
a Quantity  
of Tobacco  
necessary to  
be levied on  
the taxable  
Inhabitants  
of *Stepney*  
Parish, for  
compleating  
3 Chapels  
of Ease.] Whereas the Vestrymen & Church Wardens of Stepney Parish  
lying in Somerset & Worcester Counties, have by their Humble  
Petition to this General Assembly, set forth that a Quantity of  
Tobacco heretofore assessed by Act of Assembly for the Purpose  
of Building three Chapels of Ease in the said Parish, to wit,  
one at Spring Hill, one at the Head of Wiccomico River & one  
at Broad Creek, hath been found insufficient to finish & compleat  
the same & have prayed that an Act may pass to enable the Justices  
of the said Counties to assess & levy on the Taxable Inhabitants  
of the said Parish the Sum of sixty thousand Pounds of Tobacco  
for the Purposes of compleating & finishing the said three Chapels  
of Ease.

[The Justices  
of *Somerset*  
and *Worcester*  
Counties,  
to assess  
60,000 lb. of  
Tobacco on  
the taxable  
Inhabitants  
of said Par-  
ish, for the  
Purposes  
aforesaid, to  
be paid to  
the Vestry-  
men and  
Church-  
wardens;] Be it therefore enacted by the Right Honourable the Lord Pro-  
prietary by & with the Advice & Consent of his Lordship's Governor  
& the Upper & Lower Houses of Assembly & the Authority of the  
same, That the Justices for Somerset & Worcester Counties afore-  
said, for the Time being shall & may at their November Courts for  
this present Year assess on the Taxable Inhabitants of Stepney  
Parish the Sum of sixty thousand Pounds of Tobacco together  
with a Commission to the Sheriffs of said Counties of five per Cent  
for receiving & collecting the same which said Assessment shall be  
respectively made by the Justices aforesaid in Proportion to the  
Taxable Inhabitants of the said Parish residing in their several &  
respective Counties & shall be levied & collected by the Sheriffs  
aforesaid in the same Manner as public & County Levies are levied  
& Collected & be by the said Sheriffs paid to the Vestrymen & Church  
Wardens aforesaid for the Time being who are hereby authorized &  
required to receive & apply the same to the Use & Purposes aforesaid.

[which may  
be discharged  
as Publick  
or County  
Levies now  
are.] Provided always, And be it enacted that it shall & may be lawful  
for the several Inhabitants of the said Parish to pay & discharge  
the said Sum of Tobacco to be levied for the Purpose aforesaid in  
Money at the same Rate Public or County Levies are & shall be



paid & discharged any Clause or Matter herein to the Contrary notwithstanding. Liber R. G.  
1771

And Whereas several Vestrymen Church Wardens & other Parish-  
oners of Stepney Parish in Somerset & Worcester Counties by their  
Humble Petition to this General Assembly have represented that [The Church  
called  
Greenhill  
Church,]  
upwards of thirty Years past on the Decay of the Old Parish  
Church for the Parish aforesaid, the Church now called Greenhill  
Church, was built in the Room & Stead of the said Old Parish  
Church, that ever since the Erection of the Church at Greenhill it  
hath been called deemed & used as the Parish Church for the said p. 109  
Parish, that it is incertain whether there be any Law to establish &  
confirm the said Church at Greenhill, the Parish Church for said  
Parish & have prayed an Act may pass to establish the said Church  
at Greenhill the Parish Church for said Parish.

Be it therefore enacted by the Authority Advice & Consent afore-  
said that the Church at Greenhill in Somerset County shall be deemed  
called & taken to be the Parish Church for said Parish & that all  
Proceedings heretofore by the Vestry of said Parish done & trans-  
acted in said Church at Greenhill shall be deemed & held & are hereby  
declared good & valid to all Interests Constructions & Purposes  
whatsoever, any Law or Usage to the Contrary notwithstanding. [to be  
deemed the  
Parish  
Church for  
said Parish.]

By the Lower House of  
Assembly, October 25.<sup>th</sup>  
1771, Read & assented to.  
Signed by Order,  
Jn.<sup>o</sup> Duckett Cl. Lo. Ho.

On Behalf of the Right  
Honble the Lord Pro-  
prietary of this Province,  
I Will this be a Law.  
Rob.<sup>t</sup> Eden.

By the Upper House of  
Assembly Nov.<sup>r</sup> 4.<sup>th</sup> 1771.  
Read & assented to.  
Signed by Order,  
U Scott Cl. Up. Ho.

The Great Seal  
in Wax Appendant.

No. 10 An Act to empower the Justices of Worcester County to levy on  
the Taxable Inhabitants of All Hallows Parish in said County  
the Quantity of thirty two thousand Pounds of Tobacco for the  
Uses therein mentioned.

Whereas the Rector Vestrymen Church Wardens & sundry of the [Preamble.]  
Inhabitants of All Hallows Parish in Worcester County have by  
their Humble Petition to this present General Assembly, set forth,  
that the Church situate at Snow Hill Town being the only Place in  
said Parish whereat Divine Service is performed is so distant from  
the Exterior Parts of said Parish that a great Number of the In-  
habitants have it not in their Power to attend said Church at Snow  
Hill & forasmuch as the said Inhabitants are desirous of having a  
Chapel of Ease erected in such Part of the said Parish where they  
may partake of the Advantage of attending Divine Service & having  
a Sermon once in every three Weeks & have prayed that an Act may  
pass to enable the Justices of Worcester County to levy on the Tax-  
able Inhabitants of All Hallows Parish in Worcester County afore-  
said the Quantity of thirty two thousand Pounds of Tobacco at two

Liber R. G. equal Assessments for the Purpose of erecting & building a Chapel  
1771 of Ease at or near Johnsons Mill in the Parish aforesaid.

[Vestrymen  
and Church-  
wardens of  
*All Hallows*  
Parish, to  
agree with  
Proper Per-  
sons to build  
a Chapel of  
Ease near  
*Johnson's*  
Mill.]  
p. 110

Be it therefore enacted by the Right Honourable the Lord Proprietary by & with the Advice & Consent of his Lordship's Governor & the Upper & Lower Houses of Assembly & the Authority of the same, That the Vestrymen & Church Wardens of All Hallows Parish aforesaid which lies in Worcester County aforesaid, for the Time being or the Major Part of them be & are hereby authorized empowered & required to treat & agree with such Person or Persons as they or the Major Part of them shall think proper to employ to build a Chapel of Ease at or near Johnson's Mill in the Parish aforesaid for the Use of the Inhabitants of said Parish which said Chapel when so built shall be and is hereby declared to be constituted & deemed the Chapel of Ease of the said Parish & the said Chapel for ever after shall be supported & repaired at the Charge of the said Parish.

[Justices to  
levy on the  
taxable In-  
habitants of  
said Parish,  
32,000 lb of  
Tobacco, at  
two equal  
Assess-  
ments,]

And be it further enacted by the Authority Advice & Consent aforesaid that for the Building of the said Chapel of Ease at or near Johnson's Mill the Justices of Worcester County for the Time being shall & they are hereby authorized & empowered to assess & levy on the Taxable Inhabitants of All Hallows Parish aforesaid the Quantity of thirty two thousand Pounds of Tobacco by two equal Assessments in the Year of our Lord seventeen Hundred & seventy one & seventeen hundred & seventy two & together with the Sheriffs Salary of five per Cent for collecting the same which said Assessments shall respectively be made by the Justices aforesaid in Proportion to the Taxable Inhabitants of the said Parish of All Hallows & shall be collected by the Sheriff of Worcester County from the several Taxable Persons of the said Parish & the said Quantities of Tobacco when so as aforesaid collected shall be paid by the said Sheriff to such Vestrymen & Church Wardens aforesaid who are hereby authorized to receive & apply the same to the Uses aforesaid.

[to be paid  
to the Vestry  
and Church-  
wardens;]

[and may be  
discharged  
as Publick  
and County  
Levies.]

Provided Always And be it further enacted that it shall & may be lawful for the several & respective Inhabitants of the Parish aforesaid to pay & discharge the said several Quantities of Tobacco so to be levied & raised for the Uses aforesaid in Money in the same Manner as they now are or shall hereafter be enabled to pay & discharge the Publick or County Levies, every Clause Matter or Thing herein to the Contrary notwithstanding.

By the Lower House of  
Assembly October 31.  
1771. Read & assented to.  
Signed by Order,  
Jn.<sup>o</sup> Duckett Cl. Lo. Ho

On Behalf of the Right  
Honble the Lord Pro-  
prietary of this Province  
I will this be a Law.  
Rob.<sup>t</sup> Eden

By the Upper House of  
Assembly Nov.<sup>r</sup> 4.<sup>th</sup> 1771  
Read & Assented to.  
Signed p Order  
U Scott Cl. Up. Ho.

The Great Seal  
in Wax Appendant.

No. 11 An Act for preventing trivial Suits in the Provincial Court.

Liber R. G.  
1771  
[Preamble.]

Whereas, sundry Suits have been prosecuted in the Provincial Court wherein a proper Remedy might have been obtained in the County Courts with less Expence Vexation & Inconvenience.

Be it therefore enacted by the Right Honourable the Lord Proprietary by & with the Advice and Consent of his Lordship's Governor & the Upper & Lower Houses of Assembly & the Authority of the same That if any Action after the End of this Session of Assembly be brought in the Provincial Court or any Covenant or any Specialty for the Performance of Covenants or for the Performance or Sufferance of any Act or Acts, Thing or Things whatsoever & the Sum recovered or assessed & to which the Party recovering shall be entitled shall not exceed twenty Pounds Sterling or twenty six Pounds thirteen Shillings & four Pence Current Money or five thousand Pounds of Tobacco in every such Case no Costs shall be adjudged or awarded to the Party Plaintiff or Plaintiffs any Law Statute Usage or Custom to the Contrary notwithstanding.

p. 111

[Any Action brought in the Provincial Court, for any Sum not exceeding 20 l. Sterling, &c. no Costs to be adjudged to the Party, &c. not for Actions of Assault and Battery, &c. Wherein damages recovered do not exceed 20 l. Sterling, &c.]

And be it further enacted by the Authority aforesaid that if any Action of Assault & Battery or Trover & Conversion or for Slanderous Words or any Action upon the Case shall after the End of this present Session of Assembly be brought in the Provincial Court & therein Damages shall not be recovered or assessed above twenty Pounds Sterling or twenty six Pounds thirteen Shillings & four Pence Current Money in every such Case no Costs shall be adjudged or awarded to the Party Plaintiff or Plaintiffs & also if any of the Actions aforesaid herein before mentioned shall be first brought in any County Court & be thence removed to the Provincial Court at the Suit or on Behalf of the Plaintiff or Plaintiffs in Order for Trial & therein the Sum recovered or assessed shall not exceed twenty Pounds Sterling or twenty six Pounds thirteen Shillings & four Pence Current Money or five thousand Pounds of Tobacco in every such Case also no Costs shall be adjudged or awarded to the Party Plaintiff or Plaintiffs, any Law Statute Usage or Custom to the Contrary notwithstanding.

By the Lower House of  
Assembly November 1.<sup>st</sup>  
1771. Read & assented to.  
Signed by Order,  
Jn.<sup>o</sup> Duckett Cl. Lo. Ho.

On Behalf of the Right  
Honble the Lord Proprietary of this Province  
I will this be a Law.  
Rob.<sup>t</sup> Eden.

By the Upper House of  
Assembly Nov.<sup>r</sup> 1.<sup>st</sup> 1771.  
Read & assented to.  
Signed by Order,  
U Scott Cl. Up. Ho.

The Great Seal  
in Wax appendant

No. 12 An Act confirming to Samuel Cookson of Baltimore County sundry Lands therein mentioned.

Whereas Samuel Cookson of Baltimore County hath by his Petition set forth that on or about the nineteenth Day of September one thousand seven hundred & sixty three he purchased of a certain

[A Private Act.]



Liber R. G. William Bond for the Consideration of nine hundred & fifty Pounds  
 1771 Pennsylvania Money the Dwelling Plantation of the said William  
 Bond composed of the following Tracts of Land Part of Bedford  
 p. 112 resurveyed, Motherly's Adventure & Bond's Garrison, containing  
 five hundred Acres of which five hundred Acres the said William  
 Bond was seized in Fee, That the said William Bond executed to  
 the said Samuel Cookson a Bond with Condition to convey the said  
 Land clear of all Incumbrances upon the Payment of five hundred  
 Pounds Pennsylvania Money, That the said Samuel Cookson paid  
 to the said William Bond in his Lifetime the said Sum of five  
 hundred Pounds & also the further Sum of seventy four Pounds  
 twelve Shillings & two Pence in Part of the remaining Sum of four  
 hundred & fifty Pounds, That he hath also paid to a certain John  
 Moale the Sum of forty three Pounds seven Shillings & nine Pence  
 Pennsylvania Money being the Balance due on a Mortgage made  
 of the said Lands by a certain Thomas Bond the Father of the said  
 William Bond to the said John Moale. That he the said Samuel  
 Cookson hath also purchased of a certain Phebe Bond the Widow  
 of the said Thomas Bond her Right of Dower in the said Lands  
 for the Consideration of ten Pounds Pennsylvania Money per An-  
 num. That the said William Bond died without having conveyed  
 the said Lands leaving a Daughter a Minor, & the Petitioner having  
 complied with the Terms of Agreement upon which the said Lands  
 were to have been conveyed & having also made sundry Payments &  
 discharged Incumbrances aforesaid amounting in the whole to the  
 Sum of one hundred & nineteen Pounds nineteen Shillings & eleven  
 Pence & also the Sum of ten Pounds per Annum the Principal of  
 which Amounts to one hundred & sixty six Pounds thirteen Shillings  
 & four Pence & being Willing & desirous to discharge the Balance due  
 from him hath humbly prayed that the said Purchase might be con-  
 firmed to him & the Truth of the said Allegations being made appear  
 to this General Assembly & admitted by Susannah Bond the Widow  
 of the said William Bond & by Christopher Randall which said  
 Susannah Bond & Christopher Randall were Parties to the said  
 Petition & the said William Bond's Administrators, And Whereas  
 the said Susannah Bond has submitted to be barred of the Right  
 of Dower in the Lands aforesaid upon such Compensation out of the  
 Balance now in the Hands of the said Samuel Cookson as by the  
 General Assembly shall be deemed reasonable & just.

Be it therefore enacted by the Right Honourable the Lord Pro-  
 prietary by & with the Advice & Consent of his Lordship's Governor  
 & the Upper & Lower Houses of Assembly & the Authority of the  
 same, That the same Estate Right Title Interest Property & claim  
 p. 113 which the said William Bond in his Lifetime had of in & to the  
 aforesaid three Parcels of Land called Bonds Garrison, Bedford  
 resurveyed, & Motherlys Adventure & each of them being the dwell-  
 ing Plantation of the said William Bond & all & every the Rights &



Appurtenances thereunto belonging or appertaining be & hereby are vested & settled in the said Samuel Cookson his Heirs & Assigns for ever as fully & absolutely as if the same had been by the said William Bond in his Lifetime & the said Susannah his Wife legally & actually conveyed to the said Samuel Cookson in Fee Simple. Liber R. G.  
1771

And be it further enacted that the said Samuel Cookson shall out of the Balance now in his Hands pay unto the said Susannah Bond the Sum of seventy Pounds seven Shillings & four Pence Pennsylvania Currency in Satisfaction of her Right of Dower in the Lands aforesaid & shall pay unto the Administrators of the said William Bond the Sum of ninety four Pounds nineteen Shillings & five Pence like Money & also the further Sum of One hundred & sixty six Pounds thirteen Shillings & four Pence like Money at or upon the Death of the said Phebe Bond which two last mentioned Sums of Money upon the Receipt of the same shall be Assetts in the Hands of the said Administrators & paid & secured in the same Manner as personal Estate: & shall also give Bond to the said Administrators with good & sufficient Security to be approved of by the Commissary General of the Province for the Payment of the said last mentioned Sum of one hundred & sixty six Pounds thirteen Shillings & four Pence at or upon the Death of the said Phebe Bond & if the said Samuel Cookson shall refuse or neglect to give such Bond with Security then the Lands aforesaid shall be & are hereby charged with the Payment of the said Sum of one hundred & sixty six Pounds thirteen Shillings & four Pence & if the said Samuel Cookson shall refuse or neglect to pay the aforesaid Sum of seventy Pounds seven Shillings & four Pence to the said Susannah Bond or shall refuse or neglect to pay the aforesaid Sum ninety four Pounds nineteen Shillings & five Pence to the Administrators aforesaid then the Lands aforesaid shall be & are hereby charged with the Payment of such said Sum or Sums of Money as shall be so as aforesaid refused or neglected to be paid, Saving to the Heirs of the said William Bond the Liberty of shewing Cause, if any the said Heirs have or can shew, to the Chancellor of this Province for the Time being, at any Time within six Months after the said Heirs shall arrive at the Age of twenty one Years, why the Contract & Obligation aforesaid by the said Samuel Cookson entered into with the said William Bond, ought not to have been specifically performed & upon such Case shewn to the Satisfaction of the said Chancellor then & in such Case this Act shall be void any Clause Matter or Thing herein to the Contrary notwithstanding.

By the Lower House of  
Assembly, Nov.<sup>r</sup> 6.<sup>th</sup> 1771  
Read & assented to.  
Signed by Order,  
Jn.<sup>o</sup> Duckett Cl. Lo. Ho.

On Behalf of the Right  
Honble the Lord Pro-  
prietary of this Province  
I Will this Be a Law.  
Rob<sup>t</sup> Eden.

By the Upper House of  
Assembly, Nov.<sup>r</sup> 6.<sup>th</sup> 1771.  
Read & assented to.  
Signed by Order  
U. Scott Cl. Up. Ho.

The Great Seal  
in Wax Appendant.

No. 13 An Act to prohibit raising Swine & Geese in George Town in Frederick County.  
Liber R. G.

1771  
p. 114  
[Preamble.] Whereas, it is represented to this General Assembly, That divers Persons living in George Town in Frederick County, do raise & keep great Numbers of Swine & Geese within the said Town, to the great Prejudice of the Inhabitants thereof.

[No Person living within George-Town to keep Swine or Geese, unless kept within such Persons Inclosure.] Be it therefore enacted by the Right Honourable the Lord Proprietary by & with the Advice & Consent of his Lordship's Governor & the Upper & Lower Houses of Assembly & the Authority of the same, That no Person or Persons whatsoever, living or that shall hereafter live, in the said Town, shall after the End of this Present Session of Assembly, under any Pretence whatsoever, keep or support, within the said Town, any Swine or Geese belonging to themselves or to any other Person whatsoever, unless such Swine or Geese be kept within such Person or Person's Inclosure so keeping or supporting such Swine or Geese.

[Persons may destroy such Swine or Geese so going at large.] And be it further enacted, That in Case any Person or Persons whatsoever, living or that shall live in the said Town shall after the End of this present Session of Assembly, suffer any Swine or Geese belonging to themselves or under their Care, belonging to any other Person, go at large within the said Town, it shall & may be lawful for any Person to shoot or otherwise destroy such Swine or Geese so found at large.

[and if sued, may plead the General Issue, &c.] And be it likewise enacted, That if any Person shall be sued or impleaded, for shooting or otherwise destroying such Swine or Geese, as aforesaid, the Defendant may plead the General Issue & give this Act & the special Matter in Evidence.

By the Lower House of  
Assembly, Nov.<sup>r</sup> 7.<sup>th</sup> 1771.  
Read & assented to.  
Signed by Order,  
Jn.<sup>o</sup> Duckett Cl. Lo. Ho.

On Behalf of the Right  
Honble the Lord Pro-  
prietary of this Province,  
I Will this Be a Law.  
Rob.<sup>t</sup> Eden.

By the Upper House of  
Assembly, Nov.<sup>r</sup> 8.<sup>th</sup> 1771.  
Read & assented to.  
Signed by Order,  
U Scott Cl. Up. Ho.

The Great Seal  
in Wax appendant

No. 14 An Act reviving & continuing an Act entitled an Act for amending & repairing the Publick Roads in Baltimore County.

[An Act for amending and repairing the Publick Roads in Baltimore County continued.] p. 115  
Be it enacted by the Right Honourable the Lord Proprietary by & with the Advice & Consent of his Lordship's Governor & the Upper & Lower Houses of Assembly & the Authority of the same, That an Act of Assembly of this Province entitled an Act for amending & repairing the Publick Roads in Baltimore County made at a Session of Assembly begun & held at the City of Annapolis the first Day of November one thousand seven hundred & sixty six, be & is hereby revived & continued in full Force from & after the End of this present Session of Assembly for & during the Term of one Year &

to the End of the next Session of Assembly which shall happen after the End of the said one Year. Liber R. G.  
1771

By the Lower House of  
Assembly, Nov.<sup>r</sup> 7.<sup>th</sup> 1771.  
Read & assented to.

Signed by Order,  
Jn.<sup>o</sup> Duckett Cl. Lo. Ho.

On Behalf of the Right  
Honble the Lord Pro-  
prietary of this Province

I Will this be a Law.  
Rob.<sup>t</sup> Eden.

By the Upper House of  
Assembly Nov.<sup>r</sup> 8.<sup>th</sup> 1771.  
Read & assented to.

Signed by Order,  
U Scott Cl. Up. Ho.

The Great Seal  
in Wax appendant

No. 15 An Act to prevent the Exportation of Flour not merchantable from George Town in Frederick County.

Whereas it is represented that Discoveries have been made of certain Deceits practised by the Manufacturers of Flour, to the great Prejudice of the Buyers thereof & injurious to the Community. For the Incouragement & Advancement of that Branch of Trade at the said Town; [Preamble.]

Be it enacted by the Right Honorable the Lord Proprietary by & with the Advice & Consent of his Lordships Governor & the Upper & Lower Houses of Assembly & the Authority of the same, That the Commission of George Town or the Major Part of them for the Time being shall assemble & meet between the first & twentieth of December next & between the said first & twentieth of December yearly & every Year during the Continuance of this Act & then nominate & appoint a Person of good Repute & Skill in the Goodness & Quality of Flour to be Inspector of Flour within the said Town for the Year ensuing. [Commis-  
sioners of  
George-  
Town to ap-  
point a skill-  
ful Person  
to be Inspec-  
tor of  
Flour.]

And be it further enacted that every Commissioner of the said Town, who shall vote for the said Officer shall take the following Oath, before he shall vote for the Nomination & Appointment of the Officer aforementioned; to wit, I A B do swear that I will faithfully appoint such Person to be Inspector of Flour within the Town of George Town as I think in my Judgment & Conscience is fit & capable to execute the said Office. [The Oath.]

And be it further enacted, That in Case of the Death of the said Officer so nominated & appointed or the Refusal or Inability of him to act, the said Commissioners, or the Major Part of them, shall, as soon conveniently may be thereafter meet together & nominate & appoint one other such Person as aforesaid, in the Stead & Place of any Person so dying, refusing, or becoming incapable to act, for the Residue of the Year then to come, & if the said Commissioners shall neglect & omit to nominate & appoint the said Officer, then & in such Case the Governor or Commander in Chief of this Province, for the Time being, may by Warrant under his Hand, constitute & appoint another Officer who shall have the like Power & [In Case of  
Death or Re-  
fusal of said  
Officer, Com-  
missioners to  
appoint an-  
other Person  
in his stead;]  
  
[and on neg-  
lect the Gov-  
ernor to  
nominate.]



Liber R. G. Authority, as if he had been by the said Commissioners, regularly  
1771 nominated & appointed.

[Wheat Flour, brought for Exportation, to be made merchantable, &c.] And be it further enacted, That all Wheat Flour, bolted & brought to the said Town for Exportation from & after the first Day of January next shall by the Bolters thereof be made merchantable, & of due Fineness, without any Mixture of coarser or other Flour, & well packed in good strong well-seasoned Casks with the Tare thereof marked thereon.  
p. 116

[Persons putting a wrong Tare on any Cask of Flour, to forfeit 10 s. Currency, &c.] And be it further enacted That if any Person or Persons, shall put a false or wrong Tare, on any Cask of Flour more than one Pound Weight to the Disadvantage of the Purchaser, such Person or Persons shall forfeit & pay for every such Cask, wrongfully or falsely tared as aforesaid the Sum of ten Shillings Current Money, & the Inspector upon Suspicion or upon the Request of the Buyer, shall uncase or unpack any such Cask of Flour, in Order to try the Tare thereof, & if the said Cask or Casks, be found to be tared, more than one Pound less than the true Weight, the Bolter thereof shall pay the Charge & Expence of unpacking or uncasing & repacking or recasing over & above the Sum of two Pence Current Money for each Cask as aforesaid but if the Weight of the same, is not more than one Pound less than the Tare thereon marked, then the Officer, or Purchaser at whose Request such Trial be made shall pay the Costs of unpacking or uncasing & repacking or recasing.

[Casks of Flour for Exportation, shall be submitted to the Inspector, and if merchantable to be branded with the Degree of Fineness.] And be it further enacted That all & every Cask of Flower brought to the said Town, to be from thence laden & shipped for Exportation, shall be submitted to the View & Examination of the Inspector aforesaid, so as aforesaid nominated & appointed, who shall search & try the same, by boring the Head & piercing it through, with an Instrument to be contrived for that Purpose, in Order to prove whether it be honestly & well packed, as also to enable him to judge of it's Goodness & shall afterwards plug up the Hole, & if the said Officer shall judge the same to be merchantable, according to the Directions of this present Act, he shall brand every such Cask of Flour on the Quarter, with the Word George Town Patowmack, with a public Brand Mark to be provided for that Purpose & shall also brand & mark the Degree of Fineness which he shall on Inspection determine the said Flour to be of, which Degree shall be distinguished as follows, to wit, Superfine, fine Middling, Ship Stuff, for which Trouble he the said Inspector shall have & receive of the Owner of such Flour the Sum of one Penny & an half of a Penny current Money, for each Cask & no more.  
[Inspector's Allowance.]

[Unmerchantable Flour to be marked on the Bilge with a broad Arrow;] And be it further enacted That the said Inspector of Flour shall not brand any Flour, which shall prove on Examination thereof to be unmerchantable according to the true Intent & Meaning of this Act, but shall cause the same to be marked on the Bilge, with a broad Arrow, or secure it for a further Examination if required which



Examination the Owner shall procure to be made, within the Space of twenty Days, & the said Inspector shall & may demand & receive, from the Owner or Owners thereof the same Rate & Prices as if the same had been branded. And in Case the said Inspector should store the Flower so to be reexamined as aforesaid then & in that Case the said Inspector shall be allowed two Pence Current Money for each Barrel so stored.

Liber R. G.  
1771

And be it further enacted That when any Person or Persons shall think him, her or themselves aggrieved through the Judgment or Want of Skill of the said Inspector, in rejecting the said Flour as unmerchantable it shall & may be lawful for him, her, or them to apply to a Justice of the Peace who shall at the Charge of the Complainant, issue his Warrant, directed to three indifferent Persons, well skilled in the said Manufacture of Flour to review & examine the same, which said three Persons so as aforesaid appointed shall take the same Oath, or Affirmation if a Quaker, as by this Act is herein after directed to be taken by the said Inspector of Flour; & shall carefully view & examine the same, & if they or any two of them shall pass & declare the same to be merchantable, then & in such Case the said Officer shall raze out the broad Arrow & put such Brand on the said Flour, as they or any two of them shall adjudge & determine, & repay to the said Complainant, the said Cost, but if on such Review, the Judgment of the said Officer is confirmed, then & in such Case the said Owner of such Flower, shall pay the Cost of such Review.

[Persons aggrieved may apply to a Justice of the Peace, who shall issue his Warrant to Three indifferent Persons to examine such Flour;] p. 117

[and if found merchantable such Officer to raze out the broad Arrow, &c.]

And be it further enacted That the said three Persons & each of them for their Trouble shall & may demand & receive the Sum of two Pence Current Money for each Barrel by them reviewed.

[Two Pence Currency to be paid for each Barrel reviewed.]

And be it further enacted that it shall not be lawful for any Person or Persons whatsoever, to export, ship or lade, on Board of any Ship or Vessel for Exportation out of this Province any of the Casks or Barrels of the said Flour, so marked with a broad Arrow as aforesaid, or to export, ship, or lade on Board of any Ship or Vessel for Exportation from out of Patowmack River, any of the Casks or Barrels of the said Flour, which shall be brought to George Town aforesaid, not be examined & branded as aforesaid on Pain of Forfeiture of fifty Shillings Current Money for each & every Barrel so exported or laden on Board of any ship or other Vessel for Exportation.

[Persons exporting, &c. Flour contrary to this Act, to forfeit 50 s. Currency for each Barrel.]

And be it further enacted That the said Inspector of Flour, shall on his Appointment, & before his executing the said Office make Oath, or Affirmation if a Quaker, before a Justice of the Peace, that without Fear Favor Affection, Malice, Partiality or Respect of Persons, he will diligently & carefully view, examine & inspect all Flour brought to George Town aforesaid, & which shall be called upon to view examine & inspect to the Best of his Skill & Knowledge,

[Inspector's Oath.]

Liber R. G. & that no Flour shall be passed or branded by him without his re-  
 1771 viewing & examining the same, & that he will not brand or cause to  
 be branded any Cask or Casks of Flour that does not appear to the  
 best of his Skill & Knowledge to be in all Respects sufficiently clean  
 sweet & merchantable & that he will pass & brand all such Cask or  
 Casks of Flower, as shall appear to him sufficiently clean sweet &  
 merchantable according to the Degree thereof to the best of his Skill  
 p. 118 and Knowledge & according to the Directions of this Act & that he  
 will not wittingly or willingly charge, ask, take, receive exact or  
 demand any other or larger Fees or Rates for doing his Duty in  
 his Office, as Inspector of Flower, than is mentioned & directed by  
 this Act.

[Inspector not to purchase condemned Flour, &c.] And be it further Enacted That the said Inspector of Flour is  
 hereby strictly charged & required not to purchase directly or in-  
 directly any Flour by him condemned as aforesaid, or any Flour  
 whatsoever other than for his own Family Use, under the Penalty  
 of forty Shillings Current Money, for each Barrel.

[Penalty in Case of Fraud.] And be it further enacted That if any Person or Persons shall  
 after the Mark stamped on any Barrel of Flour by the said Inspector,  
 or shall mark or brand any Barrel of Flour which hath not been  
 inspected with any Mark or Brand similar to, or in imitation of the  
 Inspector's said Mark or Brand or after the said Inspector shall  
 have passed any Barrel of Flour, as merchantable, shall pack into  
 the Cask which contains the same, any other Flour or after any  
 Barrel of Flour shall be branded with a broad Arrow, shall unpack &  
 repack the same into other Casks or Packages for Exportation out  
 of this Province, such Person or Persons shall forfeit & pay the  
 Sum of forty Shillings Current Money for every Barrel.

[Penalty on Inspector for neglect of Duty.] And be it further enacted That the said Inspector of Flour shall  
 inspect all Flour as he shall be reasonably requested from Time to  
 Time under the Penalty of ten Shillings Current Money for every  
 Neglect or Refusal.

[Penalties to be recovered as in Case of small Debts, &c.] And be it further enacted that all & every the Penalties & For-  
 feitures in & by this Act set & appointed shall be recovered before a  
 Single Magistrate as in Case of small Debts, in the Name of the  
 Commissioners of the said Town, & be by them laid out & expended  
 in mending the publick Wharfs & Streets in the said Town.

[Commissioners empowered to remove said Officer, if they shall see Cause.] And be it further enacted that the said Commissioners or the  
 Major Part of them shall be & are hereby empowered at any Time  
 to displace or remove the said Officer from his respective Office if  
 the said Commissioners or the Major Part of them shall see Cause &  
 shall & may nominate & appoint another fit Person to such Office,  
 during the Residue of the Year who shall have Power to execute the  
 same Office according to the Directions of this Act on his taking the  
 said Oath of Office.

Provided always, And be it enacted That before the said Officer shall enter upon the Execution of his Office he shall take the several Oaths or Affirmations appointed by Law to be taken to the Government & repeat & subscribe the Oath of Abjuration & the Test before some Justice of the Peace.

Liber R. G.  
1771  
[Proviso.]

This Act to continue three Years & unto the End of the next Session of Assembly which shall happen after the End of the said three Years.

[Continu-  
ance.]  
p. 119

By the Lower House of  
Assembly November 8.<sup>th</sup>  
1771. Read & assented to.  
Signed by Order,  
Jn.<sup>o</sup> Duckett Cl. Lo. Ho.

On Behalf of the Right  
Honble the Lord Pro-  
prietary of this Province  
I will this be a Law.  
Rob.<sup>t</sup> Eden.

By the Upper House of  
Assembly Nov.<sup>r</sup> 8.<sup>th</sup> 1771.  
Read & assented to.  
Signed by Order,  
U Scott Cl. Up. Ho.

The Great Seal  
in Wax appendant

No. 16 A Supplementary Act to the Act entitled an Act to enable the Justices of Dorchester County Court to assess & levy on the Taxable Inhabitants of the said County, a Quantity of Tobacco for the Purpose of Building a Court House.

Whereas by the said Act it was directed that a new Court House for the said County should be erected & Built on the most convenient Part of the Public Ground where the present Court House now stands.

[Preamble,  
reciting Part  
of a former  
Act.]

And Whereas by the said Act the Materials of the old Court House were not to be sold, nor was the Clerk of the said County empowered to remove the Records of the said County until the new Court House was built finished & compleated.

And Whereas it is represented to this General Assembly that the Publick Ground on which the present Court House stands is too small to erect the new Court House so as to make it a commodious & convenient Building, that the said Ground wants an Addition of thirty Feet in Front & forty five Feet in Depth, that the Lot adjoining to the said Ground is the Property of Henry Ennalls Son & Heir of Henry Ennalls late of the said County deceased, who is now a Minor under the Age of twenty one Years, That Part of the said Lot may be conveniently applied to make up the said Deficiency & it appearing to this General Assembly, that the Guardian & the nearest Friends & Relations of the said Henry Ennalls have given their Assent & Approbation that Part of the said Infant's Lot may be applied for that Purpose for the Consideration of forty Pounds Current Money.

[Clerk of  
Dorchester  
County to  
remove  
Records, &c.  
to such  
House in  
Cambridge  
as the  
Justices shall  
appoint, &c.]

Be it therefore enacted by the Right Honourable the Lord Proprietary by & with the Advice & Consent of his Lordships Governor & the Upper & Lower Houses of Assembly & the Authority of the same, That the Clerk of the said County shall at some convenient Time before the first Day of June next remove or cause to



Liber R. G. 1771  
p. 120  
be removed from the old Court House of the said County, all the Books Rolls, Papers & other Records to some proper and convenient House in the Town of Cambridge as shall be provided & appointed by the Justices of the said County Court at the Charge of the said County & there safely deposit, keep & preserve the same & the Justices of the said Court, shall direct & cause a List of all the said Records and Books to be signed by the Clerk of the said County & entered upon Record amongst their Proceedings.

[Justices to cause the Court-House to be pulled down, and sell the Material, &c.]  
And be it further enacted That the Justices of the said County Court or the Major Part of them are hereby authorized and required immediately after the said Records shall be removed to cause the present Court House to be pulled down & sell the Materials thereof & apply the Money arising from the Sale as they were directed by the said Act.

[Commissioners to lay off Part of H. Ennal's Lot, &c.]  
And be it further enacted that the said Commissioners appointed by the said Act or the Major Part of them shall & they are hereby authorized & required to apportion & lay off thirty Feet in Front & forty five Feet in Depth of the said Henry Ennals his Lott next adjoining & convenient to the Public Ground on which the present Court House stands & shall cause the same to be laid out by the Surveyor of the said County with good & sufficient Boundaries & a Certificate thereof to be returned & recorded in the County Records & the said Commissioners or the Major Part of them shall draw their Order on the Sheriff of the said County to pay unto the Guardian of the said Henry Ennals the aforesaid Sum of forty Pounds for the Consideration of the said Part of the Lott of the said Infant & the said Sheriff is hereby directed & required to pay the said Order & take the Receipt of the said Guardian thereon & such Payment for the Land as aforesaid shall invest the Justices of Dorchester County & their Successors with an Estate in Fee Simple therein for the use of the County aforesaid for ever.

[Justices to levy 8000 lb of Tobacco on the tax-ables,]  
[which may be discharged as the Public or County Levy.]  
p. 121  
And be it further enacted that the Justices of Dorchester County shall & they are hereby authorized & required to assess & Levy on the Taxable Inhabitants of the said County at the Time of laying the Public Levy for this present Year the Quantity of eight thousand Pounds of Tobacco together with the Sheriffs Salary of five per Centum for Collection, which said Quantity of Tobacco so to be assessed & levied shall be collected by the Sheriff of the said County from the several Taxable Inhabitants of the said County in the same Manner as other public & County Levies are by Law collected, & the said Tobacco when collected shall be paid by such Sheriff to the said Commissioners or the Major Part of them or their Order for the Use & Purpose by the said Act directed and the Inhabitants of the said County may pay & Discharge the said Tobacco so to be levied, in Money, in the same Manner as they are now or hereafter shall be enabled to pay & discharge the public or County Levy.



And be it further enacted that after the Old Court House aforesaid shall be pulled down the Justices of the said County shall & may contract & agree for a convenient Place within the said Town of Cambridge to hold the Courts of the said County & the said Courts shall be held at such Place untill the new Court House shall be built compleated & finished & the Charge & Expence of holding the Courts at such Place shall be defrayed by the said County & assessed with the public & County Levy.

Liber R. G.  
1771  
[Justices to  
agree for a  
Place to hold  
County  
Courts, &c.]

By the Lower House of  
Assembly, Nov.<sup>r</sup> 9.<sup>th</sup> 1771.  
Read & assented to.

Signed by Order,  
Jn.<sup>o</sup> Duckett Cl. Lo. Ho.

On Behalf of the Right  
Honble the Lord Pro-  
prietary of this Province  
I Will this be a Law.

Rob.<sup>t</sup> Eden.

By the Upper House of  
Assembly Nov.<sup>r</sup> 9.<sup>th</sup> 1771.  
Read & assented to.

Signed by Order,  
U Scott Cl. Up. Ho.

The Great Seal  
in Wax appendant

- No. 17 An Act to impower Frank Leeke & George Digges Administrators of Charles Digges late of Prince Georges County deceased with the last Will of the same Charles to their Letters of Administration annexed, to sell a Lot of Ground of the same Charles situate & being in the Town of Upper Marlborough in Prince Georges County aforesaid for the Payment of the Debts of the said Charles Digges.

Whereas it appears to this General Assembly upon the Petition of Frank Leeke & George Digges that Charles Digges late of Prince Georges County died seized in Fee of a Lot of Ground in the Town of Upper Marlborough in Prince George's County aforesaid distinguished & known by the Number twenty nine in the Platt of the said Town that a considerable Time before his Purchase & Seizin of the said Lot of Ground he made his last Will & Testament & devised all his Estate real & personal to William Digges his Father & appointed him Executor thereof that the said William Digges renounced the Executorship & that Letters of Administration with the said Will annexed were granted to the same Frank Leeke & George Digges who have fully administred the Personal Estate of the said Charles Digges in the Payment of his Debts, that considerable Debts still remain unpaid as well upon Specialties as simple Contracts, that the said Charles Digges neglected to republish his said Will, That the said Lot of Ground devolved by Descent upon Thomas Digges Junior as Heir at Law to the said Charles Digges & that the said Thomas Digges is beyond Sea in Parts unknown & in all Probability will never return into this Province.

[A Private  
Act.]

p. 122

And Whereas the same Frank Leeke & George Digges by their said Petition hath prayed that a Law might pass to enable them to sell the said Lott of Ground with the Appurtenances at publick Vendue to the highest Bidder & to apply the Money arising there-

Liber R. G. from in Payment of the Debts of the same Charles Digges in a due  
 1771 Course of Law & Order of Administration.

Be it therefore enacted by the Right Honourable the Lord Proprietary, by & with the Advice & Consent of his Lordships Governor & the Upper & Lower Houses of Assembly & the Authority of the same, That the same Frank Leeke & George Digges shall be & are by Virtue of this Act, empowered to set up and expose to Sale by Way of Publick Vendue to the highest Bidder the Lot of Ground aforesaid with the Appurtenances thereto belonging of the said Charles Digges, two Months Notice of the Time & Place of such Vendue being first given in the Maryland Gazette & all the Estate Right & Title of the said Charles Digges therein at the Time of his Death to make over & Convey by Indenture of Bargain & Sale or by any other proper Conveyance to any Person who shall bid & give the best & highest Price therefor as fully & effectually to all Intents & Purposes as if the same Frank Leeke & George Digges were themselves in their own Right seized of & in the like Estate in the said Lot of Ground with the Appurtenances as the said Charles Digges was seized of at the Time of his Death & the Monies arising on such Sale to lay out apply & dispose of for & towards the Payment & Satisfaction of the Debts of the same Charles Digges which he did owe at the Time of his Decease & still remain due & unsatisfied & in Discharge whereof the Personal Estate of the said Charles Digges will not extend, & the necessary Charges attending the said Sale. And to the End the said Sale shall be fairly made & the Money arising therefrom be duly applied

Be it enacted, That the same Frank Leeke & George Digges shall before such Sale give Bond with sufficient Sureties to the Deputy Commissary of Prince Georges County for the Time being in the same Manner & Form as is usual in Cases of Intestates Estates  
 p. 123 (which said Bond shall be by them transmitted to & lodged in the Prerogative Office of this Province) with Condition to the same that the same Frank Leeke & George Digges shall dispose of the same Lott of Ground as aforesaid account for the Money arising from such Sale produce a Certificate from the said Deputy Commissary of such Security having been given & also that the same Frank Leeke & George Digges shall within twelve Months after the Vendue as aforesaid account with the Commissary for the Produce of such Sale in the same Manner as if the same was properly Personal Estate to be paid according to Law & the Meaning & Intention of this Act.

By the Lower House of  
 Assembly Nov.<sup>r</sup> 11.<sup>th</sup>  
 1771. Read & assented to.  
 Signed by Order,  
 Jn.<sup>o</sup> Duckett Cl. Lo. Ho.

On Behalf of the Right  
 Honble the Lord Pro-  
 prietary of this Province,  
 I Will this be a Law.  
 Rob.<sup>t</sup> Eden.

By the Upper House of  
 Assembly Nov.<sup>r</sup> 16.<sup>th</sup>  
 1771. Read & assented to.  
 Signed by Order,  
 U. Scott Cl. Up. Ho.

The Great Seal  
 in Wax appendant

No. 18 An Additional Supplementary Act to the Act entitled an Act for the Relief of the Poor within the several Counties therein mentioned. Liber R. G.  
1771

Whereas by the Act entitled a Supplementary Act to the Act entitled an Act for the Relief of the Poor within the several Counties therein mentioned: That the Justices of Frederick County Court, for the Time being, were thereby required & empowered upon the Application of the Trustees for the Poor or the Major Part of them to assess & levy on the Taxable Inhabitants of the said County, a Quantity not exceeding ten Pounds of Tobacco by the Poll in the Years seventeen hundred & seventy & seventeen hundred & seventy one together with the Sheriff's Salary of five per Cent for Collection; but it appearing that for the Want of timely Notice of the said Act no Part of the above Assessments as by the said Act required was levied by the Justices of said County at their November Court in the Year seventeen hundred & seventy. [Preamble,  
reciting Part  
of a former  
Act.]

Be it therefore enacted by the Right Honorable the Lord Proprietary by & with the Advice and Consent of his Lordship's Governor & the Upper & Lower Houses of Assembly & the Authority of the same, That the Justices of Frederick County shall & may & they are hereby required to levy on the Taxable Inhabitants of the said County at their November Court in this present Year a Quantity not exceeding twenty Pounds of Tobacco by the Poll, together with the Sheriffs Salary of five per Cent for collecting the same & no further or other Assessments shall be made by the same Justices by Virtue of the said above recited Act, which said Assessment of twenty Pounds of Tobacco by the Poll to be made as aforesaid in Virtue of this Act shall be collected levied accounted for & paid to the said Trustees, in the same Manner as the Assessments made, in Virtue of the said Act, were to have been collected, levied, accounted for and paid and shall be applied by the said Trustees for the Time being, or the Major Part of them, to & for the same Use, Benefit and Charge as they were directed, by the said Act to apply the Tobacco, which by the said Act was to have been assessed & levied in the Years seventeen hundred & seventy and seventeen hundred & seventy one, any Thing contained in the said Act to the Contrary in any Wise notwithstanding. [Justices of  
Frederick  
County to  
levy 20 lb of  
Tobacco  
per Poll]  
  
p. 124  
  
[this present  
year, to  
remedy a  
former  
Omission,  
&c.]

By the Lower House of  
Assembly Nov.<sup>r</sup> 12.<sup>th</sup>  
1771. Read & assented to.  
Signed by Order,  
Jn.<sup>o</sup> Duckett Cl. Lo. Ho.

On Behalf of the Right  
Honble the Lord Pro-  
prietary of this Province,  
I Will this be a Law.  
Robt Eden

By the Upper House of  
Assembly Nov.<sup>r</sup> 16.<sup>th</sup>  
1771. Read & assented to.  
Signed by Order,  
U Scott Cl. Up. Ho.

The Great Seal  
in Wax appendant



No. 19 An Act to enable the Commissioners for emitting Bills of Credit  
 Liber R. G. to pay to William Mills, John Peacock, Peter Payne Executor  
 1771 of Ralph Price, & Anne Gaither the Sums of Money therein  
 mentioned.

[Preamble.] Whereas the Sum of Thirty one Pounds two Shillings & six Pence was allowed to a certain Andrew Mills on the List of Debts due from the Publick for transporting Soldiers from Annapolis to George-Town, and it appears to this present General Assembly that the said Allowance ought to have been made to William Mills who was Owner of the Vessell in which the said Soldiers were transported.

And Whereas the Sum of fifteen Pounds was allowed on the said List to John Peacock of Frederick County which Allowance ought to have been made to John Peacock of Baltimore County.

And Whereas the Sum of two Pounds five Shillings was allowed on the said List to Joseph Price of Saint Mary's County which Allowance ought to have been made to Ralph Price of the said County.

p. 125 And Whereas the said Ralph Price is dead and Peter Payne is Executor of his last Will & Testament.

And Whereas it appears to this present General Assembly that the Dwelling House in the Occupation of Anne Gaither was in the Year seventeen hundred & sixty five pulled down & torn to Pieces by a Number of People and that the said Anne hath since that Time rebuilt the same at her own Expence and repaired the Damage done for which at November Sessions seventeen hundred & sixty six an Allowance of one hundred Pounds was made to the Representatives of Samuel Gaither deceased of which the said Anne hath already received seventy five Pounds.

And Whereas it appears that she was entitled to the same Sum of Money last mentioned as also to the remaining Sum of twenty five Pounds.

[Com-  
missioners for  
emitting  
Bills of  
Credit re-  
quired to pay  
sundry Al-  
lowances.] Be it enacted by the Right Honourable the Lord Proprietary by and with the Advice & Consent of his Lordship's Governor and the Upper and Lower Houses of Assembly and the Authority of the same, That the said Commissioners shall & they are hereby required to pay unto the said William Mills or his Order the Sum of eighty three Dollars & to John Peacock of Baltimore County or his Order the Sum of forty Dollars and to the said Peter Payne Executor of the said Ralph Price or his Order the Sum of Six Dollars & to Anne Gaither or her Order the Sum of sixty six Dollars and two thirds of a Dollar in full Satisfaction of the several and respective Allowances aforesaid; Any Thing in the said List of Debts or in the Act entitled an Act for the Payment of the Publick



Claims for emitting Bills of Credit & for other Purposes therein mentioned notwithstanding. Liber R. G.  
1771

By the Lower House of  
Assembly Nov.<sup>r</sup> 12.<sup>th</sup>  
1771. Read & assented to.  
Signed by Order,  
Jn.<sup>o</sup> Duckett Cl. Lo. Ho.

On Behalf of the Right  
Honble the Lord Pro-  
prietary of this Province  
I will this be a Law.  
Rob.<sup>t</sup> Eden.

By the Upper House of  
Assembly Nov.<sup>r</sup> 16.<sup>th</sup>  
1771. Read & assented to.  
Signed by Order,  
U Scott Cl. Up. Ho.

The Great Seal  
in Wax appendant

- No. 20 An Act to prevent the Exportation of Flour, Staves & Shingles not merchantable from the Town of Baltimore in Baltimore County, & to regulate the Weight of Hay & Measure of Grain, Salt, Flax-Seed & Fire Wood within the said Town & to prevent the Exportation of Flour not merchantable from Fells-Point in the said County.

Whereas it is represented to this General Assembly that Discoveries have lately been made of certain Deceits practised by Millers, and others in the Manufacture of Flour, large Quantities whereof are brought to, & sold, in the said Town of Baltimore, and Fells Point & from thence exported, & that frequent Disputes, & false Weight & short Measure happen, as well in the Weight of Hay, Measure of Grain, Salt & Flax Seed as in the Cording & measuring of Wood, and Advantages are taken of the Ignorant and unwary, by the Deceitful Practises of Skippers, Masters of Vessels & Boats the like whereof also happens in the Selling of Staves & Shingles as well concerning the Quantity as Quality, and it being apprehended, that if a Person or Persons were appointed under proper Powers, Checks and Restrictions, and the Buyers & Sellers, Inhabitants in & about the said Town were obliged to employ him or them, to cord all Wood, Garble or Cull & count all Staves & Shingles to be bought in or about the said Town & to inspect or determine & by gradated Brand-Marks, distinguish the Qualities of all Flower by the said Inhabitants or others respectively to be bought in and about the said Town & Fells Point & to measure by proper Measures settled & adjusted by the County Standard, all Salt, Grain & Flax seed that should be brought by Land or Water to, & sold in the said Town would be of great Service, not only in supporting & assisting the Commerce of the said Town of Baltimore but also in thwarting & discountenancing dishonorable unmanly and deceitful Dispositions always injurious to a Community. For the Encouragement therefore of the said Town & others well disposed to forward the Trade & Advancement thereof.

[Preamble.]  
p. 126

Be it enacted by the Right Honourable the Lord Proprietary by & with the Advice & Consent of his Lordship's Governor & the Upper & Lower Houses of Assembly & the Authority of the same; That

[Com-  
missioners to  
appoint an  
Inspector of

Liber R. G. the Commissioners of Baltimore Town, or the Major Part of them  
 Flour, Garb-<sup>1771</sup> for the Time being shall assemble & meet between the first & last  
 lers, &c. of Day of November next, & between the said first & last Day of  
 Staves and November Yearly & every Year, during the Continuance of this  
 Shingles, Act & then nominate and appoint a Person of good Repute and Skill  
 Measurers in the Goodness & Quality of Flour, to be an Inspector of Flour  
 of Grain, &c. within the said Town and at Fells Point for the Year ensuing or  
 Weighers of for any other shorter Space of Time in their Discretion & also shall  
 Hay and nominate & appoint any Number of Persons not exceeding three  
 Cordors of of good Repute & Skill, in culling and garbling of Staves & Shingles  
 Wood, in to be Cullers & Garblers, and Counters of all Staves & Shingles  
 Baltimore- brought to, & sold within the said Town and at Fells Point for the  
 Town and at Fells Point.] Year next ensuing & also shall nominate & appoint any Number of  
 p. 127 Persons not exceeding three of good Repute & Skill in measuring  
 Grain Salt & Flax Seed to be Measurers of all Grain Salt & Flax  
 Seed brought by Land or Water to & sold in the said Town and at  
 Fells Point for the Year next ensuing & also shall nominate &  
 appoint any Number of Persons not exceeding five of good Repute  
 & Skill to be Weighers of all Hay & Wood Cordors of all Fire Wood  
 brought to & sold within the said Town for the Year next ensuing.

And be it further enacted that every Commissioner of the said  
 Town who shall vote for any of the said Officers shall take the fol-  
 lowing Oath, before he shall be entitled to vote for the Nomination &  
 Appointment of all or any of the Officers aforementioned to wit,  
 [The Oath.] I A. B. do swear that I will faithfully honestly & impartially nomi-  
 nate & appoint such Person or Persons to be Inspectors of Flour  
 within the said Town of Baltimore & at Fells Point & also such  
 Measurers of Grain salt and Flax Seed Cullers or Garblers & Count-  
 ers of Staves Heading & Shingles, Weighers of Hay & Wood Cord-  
 ers within the Town of Baltimore & Fells Point as I think in my  
 Judgment & Conscience is or are fit & capable to execute the said  
 Offices respectively.

[In Case of And be it further enacted That in Case of the Death of any or  
 Death or either of the said Officers so nominated & appointed or the Refusal  
 Refusal of or Inability of them or either of them to act the said Commissioners  
 either of or the Major Part of them shall as soon as conveniently may be  
 said Officers, thereafter meet together & nominate & appoint one other such Person  
 Commis- as aforesaid in the Stead & Place of any Person so dying, refusing  
 sioners to or becoming incapable to act for the Residue of the Year then to  
 appoint an- come, & if the said Commissioners shall neglect & omit to nominate &  
 other Person appoint all or any of the said respective Officers then & in such Case  
 in his the Governor or Commander in Chief of this Province for the Time  
 Stead;] being may by Warrant under his Hand constitute & appoint all or  
 any of the said Officers who shall be qualified agreeable to the  
 [and on Directions of this Act & have the like Power & Authority as if they  
 neglect the Governor to  
 nominate.]

or either of them had been by the said Commissioners regularly nominated & appointed.

Liber R. G.  
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And be it further enacted That all bolted Wheat Flour & every Cask thereof brought to the said Town or Fells Point for Exportation, from and after the first Day of December next shall by the Bolters thereof be made merchantable, & of due Fineness without any Mixture of coarser or other Flour & well packed in good strong well seasoned Casks with the Tare thereof marked thereon.

[Wheat, Flour, brought for Exportation, to be made merchantable, &c.]  
p. 128

And be it further enacted That if any Bolter shall put a false or wrong Tare on any Cask of Flour more than one Pound Weight to the Disadvantage of the Purchaser, such Bolter shall forfeit & pay for every such Cask wrongfully or falsely tared as aforesaid the Sum of ten Shillings Current Money, and the Inspector upon his Suspicion or upon the Request of the Buyer shall uncase or unpack any such Cask of Flour in Order to try the Tare thereof & if the said Cask or Casks be found to be tared more than one Pound less than the true Weight the Bolter thereof shall pay the Charge & Expence of unpacking or uncasing & repacking or recasing over & above the Sum of ten Shillings current Money for each Cask as aforesaid but if the Weight of the same is not more than one Pound less than the tare thereon marked then the Inspector or Purchaser at whose Request such Trial be made shall pay the Costs of unpacking or uncasing & repacking or recasing.

[Bolters putting a wrong Tare on any Cask of Flour, to forfeit 10 s.]

And Whereas many Persons carry their Wheat to the Mills to be ground & manufactured into Flour & packed in Barrels for Sale;

Be it further enacted that every Occupier of a Mill who shall grind & manufacture Wheat into Flour & pack the same in Barrels for any Person or Persons carrying Wheat to such Mill shall make out subscribe & deliver to the Person authorized & empowered to take & carry away the said Flour manufactured & packed in Barrels as aforesaid, a Manifest of the Gross, Tare and Nett Weights of such Flour, & if any Occupier of a Mill shall neglect to make out subscribe & deliver to such Person authorized & empowered as aforesaid the Manifest hereby directed shall forfeit & pay five Shillings Current Money for every Barrel of Flour which he shall neglect to give such Manifest for.

[Occupiers of Mills to make out the Weights of Flour pack'd by them on Penalty of 5 s. Currency.]

Be it further enacted that if any Person or Persons shall after the first Day of January next ensuing sell or offer for Sale at Baltimore Town or at Fells Point any Flour the Weight whereof upon weighing the same shall be found under or less than the Weights at which the Flour shall be offered for Sale or less than the Weights contained in the Manifest offered & produced by the Seller or Deliverer as the true Weights of the same Flour he or they shall forfeit & pay for every Pound Weight of Flour so found under or less than the Weights alledged or contained in the Manifest four Pence Current

[Persons offering Flour for Sale less than the Weight specified, to forfeit 4 d. Currency per lb if less than 5 lb &c.]



Liber R. G. Money provided the true Weight of such Flour upon weighing the  
 1771 same shall be found only five Pounds under or less than the Weight  
 p. 129 so alledged or contained in the Manifest but if the same Flour upon  
 weighing the same shall be found to fall short of the Weight alledged  
 or contained in the Manifest more than the Quantity of five Pounds  
 then & in that Case for every Pound Weight so found under or less  
 than the Weight alledged or contained in the Manifest the Person  
 or Persons selling or offering the same Flour for Sale shall forfeit  
 & pay the Sum of four Shillings Current Money & the Inspector of  
 Flour is hereby obliged & required upon Request of either the Buyer  
 or Seller of Flour to weigh any Flour sold or offered for Sale at  
 any of the Places abovementioned & shall be entitled to demand &  
 receive for weighing the same of the Person or Persons who upon  
 weighing the Flour shall be found to have been in Default the Sum  
 of four Pence Current Money for each Barrel that shall have been  
 weighed. And if the Manifest made out subscribed & delivered by  
 any Occupier of a Mill shall exceed the real Gross, Tare & Nett  
 Weight of the Flour mentioned in the said Manifest, & the Person  
 owning the same shall incur & be obliged to pay the Penalty or  
 Penalties aforesaid for short Weight; that then in such Case the  
 said Owner shall be & is hereby entitled to a Recovery of the said  
 Penalty or Penalties against the Occupier of the Mill who made out  
 subscribed & delivered such false Manifest, which Recovery shall be  
 had in the same Manner, as Penalties are herein directed to be  
 recovered.

And Whereas the Insufficiency of Flour Casks brought to Balti-  
 more Town, & the Inequality of the Gauge of the same have been  
 found detrimental to Commerce for Remedy whereof,

[No flour to  
 be offered  
 for Sale, &c.  
 till packed  
 in proper  
 Casks, on  
 Penalty of  
 5 s. Cur-  
 rency.] Be it enacted, that after the first Day of January next no Person  
 shall sell or offer for Sale any Flour for Exportation at Baltimore  
 Town or Fells Point until the same be packed & put into good Sub-  
 stantial well seasoned Casks of a proper Thickness & well coopered &  
 the Staves thereof shall be of the Length of twenty eight Inches &  
 the Headings of eighteen Inches And the Inspector of Flour is  
 hereby authorized & required to view & Inspect the Cask & if the  
 same shall be found insufficient or defective either in the Thickness  
 & Goodness of the Staves or Heading or Cooperage or in the Gauge  
 of the same the Person offering such Flour packed into such Cask  
 for Sale shall forfeit the Sum of five Shillings Current Money for  
 each Cask found insufficient.

[Casks of  
 Flour for  
 Exportation,  
 shall be sub-  
 mitted to  
 the Inspec-  
 tor, and if  
 merchant-  
 able to be  
 branded with  
 the Degree  
 of Fine-  
 ness.] And be it further enacted That all & every Cask of Flour brought  
 to the said Town or Fells Point, to be from thence laden & shipped  
 for Exportation shall be submitted to the View & Examination of the  
 Inspector so as aforesaid nominated & appointed who shall search &  
 try the same by boring the Head & piercing it through with an In-  
 strument to be contrived for that Purpose, in Order to prove whether

it be honestly & well packed & also to enable him to judge of its Goodness & shall afterwards plug up the Hole & if the said Inspector shall judge the same to be merchantable according to the Directions of this present Act he shall brand every such Cask of Flour on the Quarter with the Word Baltimore, with a publick Brand-Mark to be provided for that Purpose, & shall also brand & mark the Degree of Fineness, which he shall on Inspection, determine the said Flour to be of, which Degree shall be distinguished as follows, to wit, Superfine, fine, Middling, Ship-Stuff for which Trouble he the said Inspector shall have & receive of the Owner of such Flour the Sum of one Penny Current Money for each Cask & no more.

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[Inspector's Allowance.]

And be it further enacted that no Inspector of Flour shall brand any Flour which shall prove on Examination thereof, to be unmerchantable according to the true Intent & Meaning of this Act but shall cause the same to be marked on the Bilge with a broad Arrow, or secure it for a further Examination if required, which examination the Owner shall procure to be made within the Space of twenty Days & the Inspector shall & may demand & receive from the Owner or Owners thereof the same Rates & Prices as if the same had been branded.

[Unmerchantable Flour to be marked on the Bilge with a broad Arrow;]

And be it further enacted that when any Person shall think himself aggrieved, through the Judgment or Want of Skill of the said Inspector in rejecting the said Flour, as unmerchantable it shall & may be lawful for such Person to apply to a Justice of the Peace who shall at the Charge of the Complainant issue his Warrant directed to three indifferent Persons well skilled in the Manufacture of Flour to review & examine the same, which said three Persons so as aforesaid appointed shall take the same Oath or Affirmation if a Quaker as by this Act is herein after directed to be taken by every Inspector of Flour & shall carefully view & examine the same & if they or any two of them shall pass & declare the same to be merchantable then & in such Case the said Inspector shall raze out the broad Arrow & put such Brand on the said Flour as they or any two of them shall adjudge & determine & repay to the said Complainant the said Cost, but if on such Review the Judgment of the said Inspector shall be confirmed then and in such Case the said Owner of such Flour shall pay the Cost of such Review.

[Persons aggrieved may apply to a Justice of the Peace, who shall issue his warrant to Three indifferent Persons to examine such Flour;]

[and if found merchantable such Officer to raze out the broad Arrow, &c.]

p. 131

And be it further enacted That every Inspector shall be allowed one Penny Current Money per Barrel for Storage if stored, & if upon an Appeal & Review as aforesaid the Judgment of the Inspector shall be confirmed the Person appealing shall pay the Expence of such Storage & shall also pay the same if an Appeal shall not be prosecuted & if the Judgment of the said Inspector shall be reversed, then the said Inspector shall forfeit his Charge & Expense of the said Storage;

[Inspector's Allowance for storing Flour.]

Liber R. G.      And be it further enacted that the said Inspector of Flour for his  
 1771      Trouble shall & may receive the Sum of two Pence Current Money  
 [Two-pence      for each Barrel by him reviewed

    And be it further enacted that it shall not be lawful for any Per-  
 son whatsoever to export Ship or lade on Board of any Ship or  
 Vessel for Exportation out of this Province any of the Casks or  
 Barrels of the said Flour so marked with a broad Arrow as aforesaid  
 or to export ship or lade on Board of any Ship or Vessel for Ex-  
 portation any of the Casks or Barrels of the said Flour not ex-  
 amined & branded as aforesaid from out of Patapsco River on Pain  
 of Forfeiture of fifty Shillings Current Money for each & every  
 Barrel so exported or laden on Board of any Ship or other Vessel  
 for Exportation.

    And be it further enacted that every Inspector of Flour who shall  
 be nominated as aforesaid shall on his Appointment & before his  
 executing the said Office, make Oath or Affirmation if a Quaker  
 before a Justice of Peace, That without Fear, Favour, Affection,  
 Malice, Partiality or Respect of Persons, he will diligently & care-  
 fully view, examine & inspect all Flour brought to the said Town  
 of Baltimore & Fells Point & which he shall be called upon to view  
 examine & inspect to the best of his Skill & Knowledge & that no  
 Flour shall be passed or branded by him without his viewing &  
 examining the same & that he will not brand or cause to be branded  
 any Cask or Casks of Flour that does not appear to the best of his  
 Skill & Knowledge to be in all Respects sufficiently clean sweet &  
 merchantable & that he will pass & brand all such Cask or Casks of  
 Flour as shall appear to him sufficiently clean sweet & merchantable  
 according to the Degree thereof to the best of his Skill & Knowledge  
 & according to the Directions of this Act & that he will not wittingly  
 or willingly charge ask take receive exact or Demand any other or  
 larger Fees or Rates for doing his Duty in his Office as Inspector of  
 Flour than is mentioned & directed by this Act; And that he will  
 carefully & diligently view & examine all Casks in which such Flour  
 shall be brought & contained & that he will not pass or brand any  
 Cask or Casks of Flour unless such Cask or Casks be of such Size  
 Goodness & Thickness as by this Act is required.

    And be it further enacted that no Inspector of Flour shall pur-  
 chase directly or indirectly any Flour by him condemned, as afore-  
 said or any Flour whatsoever other than for his own Family Use  
 under the Penalty of forty Shillings Current Money for each Barrel.

    And be it further enacted that if any Person shall alter the Mark  
 stamped on any Barrel of Flour by any Inspector or shall mark or  
 brand any Barrel of Flour which hath not been inspected with any  
 Mark or Brand similar to, or in Imitation of the Inspectors said  
 Mark or Brand or after the said Inspector shall have passed any

[Inspector  
 not to pur-  
 chase con-  
 demned  
 Flour, &c.]

[Penalty in  
 Case of  
 Fraud.]  
 p. 132



Barrel of Flour as merchantable, shall pack into the Cask which contains the same any other Flour or after any Barrel of Flour shall be branded with a broad Arrow shall unpack & repack the same into other Casks or Packages, for Exportation out of this Province, such Person shall forfeit and pay the Sum of forty Shillings Current Money for every Barrel.

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And as the Subjecting of all Grain Salt & Flax Seed to the Measurement of an Officer, acting under Oath, will prevent the Disputes & Impositions complained of.

Be it further enacted that from & after the first Day of December next all Grain of any Kind, Salt or Flax Seed which shall be brought by Land or Water, to, & offered for Sale in the said Town or Fells Point shall be measured by the Officer so as aforesaid to be appointed, with Proper Measures to be tried & stamped by the County Standard, & provided for that Purpose if he shall be thereunto required, at the Choice & Election of either the Purchaser or Seller of such Grain Salt or Flax Seed, for which Trouble he the said Officer shall & may Demand have & receive of the Purchaser or Seller of the said Grain Salt or Flax Seed, who shall require the same the Sum of one Shilling Current Money for every one hundred Bushels of Grain Salt or Flax Seed & no more & so pro rato.

[Grain, Salt, or Flax-seed, offered for sale, to be measured, &c. by an Officer, if required.]

[His Allowance.]

And be it further enacted that the said Measurers of Grain Salt & Flax Seed & Hay Weighers & each of them so as aforesaid to be appointed shall & they & each of them are hereby required on his or their Appointment & before his or their executing the said Office to make Oath or Affirmation if a Quaker before a Justice of the Peace, "that they & each of them when required will well & truly according to the best of his or their Skill & Knowledge, measure all Grain Salt & Flaxseed & weigh all Hay without any Fear, Favour, Affection Malice or Partiality what ever to the Buyer or Seller & that they & each of them will not willingly or wittingly charge, ask, take, receive, exact or demand any other or larger Fees or Rates for doing his or their Duty in his or their Office than is mentioned & directed by this Act.

[Oath of Office required.]

And Whereas the preventing Frauds & Abuses in culling & counting Staves, Heading & Shingles large Quantities of which are exported, will tend to advance the Credit of the same at foreign Markets & promote the Trade and Commerce of the said Town of Baltimore.

Be it therefore enacted That from & after the first Day of December next all Staves Heading & Shingles brought to & offered for Sale within the said North West Branch of Patapsco shall be submitted to the Examination of the Officer so as aforesaid to be appointed for that Purpose & if the said Officer shall find the same sound & fit for Exportation he shall count, cull & garble the same

[Staves, Heading and Shingles, to be examined, &c. by an Officer to be appointed.]  
P. 133

Liber R. G. in a just & impartial Manner between the Buyer & Seller for which  
 1771 Trouble he the said Officer shall receive & have as follows to wit,  
 for every customary Thousand of Pipe Staves, two Shillings Cur-  
 [His Allow- rent Money; for every customary Thousand of Hogshead staves, or  
 ance.] Hogshead Heading one Shilling & eight Pence Current Money; &  
 for every customary Thousand of Barrel Staves one Shilling Cur-  
 rent Money, & for every Thousand Shingles six Pence Current  
 Money, the one half thereof to be paid by the Buyer, the other Half  
 by the Seller.

[In Case Disputes shall arise, how to proceed.] Provided always, And be it further enacted, That where at any  
 Time hereafter any Disputes shall arise between the Officer & the  
 Owner or Possessor of any of the Staves Heading or Shingles, herein  
 before mentioned, concerning the same, upon Application made by the  
 Owner or Possessor thereof to any one Magistrate of Baltimore  
 County he shall issue his Warrant to three indifferent judicious  
 Persons of Skill & Integrity directing them to view & examine the  
 said Staves Heading or Shingles which said three Persons so as  
 aforesaid appointed shall take the same Oath or Affirmation if a  
 Quaker as by this Act is herein after directed to be taken by the  
 said Inspector or Culler, Garbler & Counter of Staves, Heading &  
 Shingles & shall carefully view, inspect examine cull garble & Count  
 the same & if they or any two of them on such Review shall find pass  
 & declare the same to be found merchantable & fit for Exportation  
 then the same Staves Heading or Shingles shall be passed & allowed  
 & the Officer shall pay the Cost of the said Review, but if on such  
 Review, the Judgment of the said Officer shall be confirmed, then  
 the said Owner or Possessor of such Staves Heading or Shingles  
 shall pay the Cost of such Review, for which Review each of the  
 said Reviewers shall have & receive the Sum of eight Pence Current  
 Money for every Thousand of the said Staves Heading or Shingles

[Unsound Staves, &c. not to be exported, on Penalty of 10 s. Currency per Thousand.] And be it further enacted that it shall not be lawful for any Per-  
 son to export the said Staves Heading or Shingles so adjudged &  
 determined unsound or not fit for Exportation out of this Prov-  
 ince, or any Staves Heading or Shingles not counted culled & garbled  
 as aforesaid from any Landing on the North Side of Patapsco  
 River, or out of the North West Branch of the said River of  
 Patapsco on Pain of Forfeiture of ten Shillings Current Money for  
 each & every Thousand so shipped & exported.

[Proviso.] Provided always And be it enacted that nothing herein contained  
 shall debar any Cooper or Carpenter from purchasing a sufficient  
 Quantity of Staves Heading or Shingles to make up into Cask or  
 be used in Building in the Way of his or their Business, so always  
 that he shall not buy any of the Cullings which he may have before  
 adjudged to be unmerchantable.

[Oath of Office required.] And be it further enacted that the said Inspector of Staves &  
 Lumber shall & he is hereby required on his Appointment & before  
 p. 134

his executing the said Office to make Oath (or Affirmation) if a Quaker before a Justice of the Peace, that he will without Fear, Affection, Malice, Partiality or Respect of Persons diligently & carefully view examine inspect cull garble & count all Staves Heading & Shingles brought to & offered for Sale within the North West Branch of Patapsco River, & which he shall be called upon to view examine inspect cull garble & Count to the best of his Skill & Knowledge & according to the Directions of this Act & that he will not wittingly or willingly charge ask take receive exact or Demand any other or larger Fees or Rates for doing his Duty in his said Office of Inspector or Culler, Garbler & Counter of Staves Heading & Shingles than is mentioned & directed by this Act.

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And Whereas it is represented that Advantages are taken by the Sellers of Wood, in short Measuring & Cording the same to the great Prejudice of the Inhabitants of the said Town.

Be it therefore further enacted that from & after the first Day of December next all Fire Wood brought to & offered for Sale in the said Town whether by Land or Water shall be set up corded & measured by some Wood Corder for that Purpose as aforesaid appointed, & that each & every Cord of Wood shall be eight Feet in Length, four feet in Breadth four Feet in Height & well stowed & packed & that the said Wood Corder for his Trouble in Cording & Packing the same shall have & receive the Sum of four Pence Current Money for each & every Cord, the one half thereof to be paid by the Seller the other Half by the Person purchasing the same.

[Fire-wood brought to said Town to be Corded by a Wood Corder appointed for that Purpose.]

[His Allowance.]

And be it further enacted that if any Person shall purchase & buy any Fire Wood brought to the said Town & shall neglect or refuse to have the same corded & measured by some Wood Corder appointed as aforesaid such Person shall forfeit & pay the Sum of five Shillings Current Money for each & every Cord so purchased & bought & which he shall refuse or neglect to have corded as aforesaid or shall refuse or omit to request one or other of the said Corders to cord, pursuant to this Act.

[Persons neglecting to have their Wood Corded, to forfeit 5 s. Currency for each Cord.]

And be it further enacted that the said Wood Corders & each of them so as aforesaid to be appointed shall & they & each of them are hereby required on his or their Appointment & before his or their executing the said Office, to make Oath (or Affirmation if a Quaker) before a Justice of the Peace that he will when required in a just & impartial Manner, well & truly set up, pack, cord & measure all Fire Wood, brought for Sale to the Town of Baltimore according to the best of his Skill & Knowledge & the Directions of this Act, & that he will not wittingly or willingly charge ask take receive exact or Demand any other or larger Fees or Rates for doing his Duty in his said Office of Wood Corder than is mentioned & directed by this Act; a Minute of the Choice of which said several Officers of Inspector of Flour, Measures of Grain Salt & Flax Seed, Cullers or Garblers &

[Oath of Office required.]

p. 135  
[A Minute of Choice of the several Officers to be entered among the Proceedings]



Liber R. G. <sup>1771</sup> Counters of Staves Heading & Shingles, Weighers of Hay & Wood  
of the Com- Corders, & of their having taken the said Oaths, shall be entered  
missioners.] among the Proceedings of the said Commissioners from Time to  
Time, as often as taken;

[No Wood And be it further enacted That no Wood Corder or Drayman  
Corder, &c. either by himself or themselves or by any other Person or Persons  
to Purchase whatsoever for or in Trust for him or them shall buy, Trade, or  
Fire-wood, Barter for any Fire Wood on the Way to or brought to Baltimore  
unless for Town or Fells Point for Sale other than for his or their own Family  
his own Use, Use under the Penalty of five Shillings Current Money for each  
on Penalty.] Cord purchased contrary to this Act.

[Hay And be it further enacted That from & after the first Day of  
brought to December next, all Hay, of what Kindsoever which shall be brought  
said Town, by Land or Water to, & offered for Sale in the said Town, shall be  
if required, weighed by the Officer so as aforesaid appointed with proper Scales &  
to be Weights, or Engines to be provided for that Purpose if he shall be  
weighed by thereto required at the Choice & Election of either the Purchaser or  
the Officer.] Seller of such Hay, for which Trouble he the said Hay Weigher,  
shall have & receive of the Purchaser or Seller of the said Hay, who  
shall require the same to be weighed the Sum of two Shillings Cur-  
rent Money for every Ton, or twenty Gross Hundred Weight of  
Hay & no more & so pro rato.

[Penalty on And be it further enacted that the said Inspector of Flour Mea-  
Neglect or surers of Grain Salt & Flax Seed Cullers or Garblers & Counters of  
Refusal of Staves Heading and Shingles & Hay Weighers shall inspect or weigh  
the Officers.] all Flour, measure all Grain, Salt & Flax Seed, cull & count all  
Staves, Heading & Shingles and weigh all Hay, as they & each of  
them shall be reasonably requested, from Time to Time under the  
Penalty of ten Shillings Current Money for every Neglect or Refusal.

[Penalty on And be it further enacted that the said Wood Corders shall cord  
neglect of all such Wood as they shall be requested from Time to Time to cord  
Wood under the Penalty of two Shillings & six Pence Current Money for  
Corders.] every Neglect or Refusal to cord such Wood as aforesaid.

[To be re- And be it further enacted That all & every the Penalties & for-  
covered as in feitures in & by this Act set & appointed shall be recovered before  
Case of a single Magistrate as in Case of small Debts in the Name of the  
small Debts, Commissioners of the said Town & be by them laid out & expended  
&c.] in mending the public Wharfs & Streets in the said Town

And be it further enacted that the said Commissioners or the  
Major Part of them shall be & are hereby empowered at any Time  
to displace or remove any of the said Officers from their respective  
Offices if the said Commissioners or Major Part of them shall see  
Cause, & shall & may nominate & appoint another fit Person to such  
Office during the Residue of the Year, who shall have Power to  
execute the same Office according to the Directions of this Act on  
his taking the said Oath of Office.

[Commis-  
sioners may  
displace such  
Officers, if  
they see  
Cause; and  
appoint  
others in  
their Room.]  
p. 136

And Whereas great Quantities of Flour are brought by Water for Sale at the said Town of Baltimore & Fells Point and it being very inconvenient to land the same for Inspection.

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Be it enacted that the Inspector of Flour appointed by this Act shall & is hereby directed at the Request of any Person who shall bring above fifty Casks in any one Vessel, to go on Board such Vessel in the Harbour of the said Town or at Fells Point & inspect the said Flour on Board under the Penalty of twenty Shillings Current Money for every Neglect or Refusal.

[Inspector of Flour to inspect on board Vessels if required on Penalty.]

And Whereas it may sometimes happen that by Reason of a great Quantity of Flour being brought at once to Baltimore Town & Fells Point the Person who shall be appointed Inspector of Flour cannot alone with sufficient Dispatch inspect & brand all such Flour & as it is apprehended that the most likely Means to support the Credit of the Inspection Brand is to make one Inspector answerable.

Be it enacted that the Person to be by the Commissioners chosen & appointed Inspector of Flour shall or may on such Occasions only or in Case of Sickness employ one or more Persons of good Repute & well qualified for such Service as Assistants to assist him in the Execution of his said Office & such Assistants after taking the Oaths or Affirmations herein prescribed to be taken by the Inspector of Flour are hereby authorized to inspect & brand any Barrells of Flour at Baltimore Town or Fells Point as the Inspector himself might do.

[Inspector of Flour may employ Assistants duly qualified.]

And be it enacted That before any of the said Officers shall enter upon the Execution of their respective Offices they shall take the several Oaths or Affirmations appointed by Law to be taken to the Government & repeat & subscribe the Oath of Abjuration & Test before some Justice of the Peace.

[Officers to take the Oaths &c. to the Government.]

This Act to continue seven Years & unto the End of the next Session of Assembly which shall happen after the End of the said seven Years.

[Continuance.]

By the Lower House of Assembly November 13.<sup>th</sup> 1771. Read & assented to.  
Signed by Order,  
Jn<sup>o</sup> Duckett Cl. Lo. Ho.

On Behalf of the Right Honble the Lord Proprietary of this Province I will this be a Law.  
Rob.<sup>t</sup> Eden.

By the Upper House of Assembly Nov.<sup>r</sup> 16.<sup>th</sup> 1771. Read & assented to.  
Signed by Order.  
U Scott Cl. Up. Ho.

The Great Seal  
in Wax appendant

No. 21 An Act continuing an Act entitled an Act for licensing Ordinary p. 137  
Keepers, Hawkers Pedlars & Petty Chapmen.

Be it enacted by the Right Honorable the Lord Proprietary by & with the Advice & Consent of his Lordship's Governor and the Upper and Lower Houses of Assembly and the Authority of the same, That an Act of Assembly of this Province entitled an Act for

[An Act for licensing Ordinary Keepers, &c. continued.]

Liber R. G. licensing Ordinary Keepers, Hawkers Pedlars, & Petty Chapmen  
1771 made at a Session of Assembly begun and held at the City of Annapolis the twenty fourth Day of May seventeen hundred & sixty eight; be and is hereby continued & shall remain in full Force for & during the Term of one Year & to the End of the next Session of Assembly that shall happen after the said one Year.

[Proviso.] Provided, and be it hereby enacted that the several Lists & Payments required to be returned & made to the Treasurers of the Western and Eastern Shores of this Province respectively by the said Act, hereby continued, shall from henceforth be returned & made to the Commissioners appointed or to be appointed by Virtue of the Act entitled an Act for emitting Bills of Credit and other Purposes therein mentioned, by the Times, in the Manner & under the same Penalties as the same, by the Act hereby continued were to be returned & paid to the Treasurers aforesaid, any Thing in the said Act contained to the Contrary notwithstanding; And the Monies which shall be paid to the Commissioners aforesaid by the Sheriffs of the several & respective Counties of this Province shall be placed out at Interest on Loan, or Bond with good Security in the same Manner in every Respect as directed as to the Loan of Bills of Credit, by the said Act

By the Lower House of  
Assembly November 14.<sup>th</sup>  
1771, Read & assented to.  
Signed by Order,  
Jn.<sup>o</sup> Duckett Cl. Lo. Ho.

On Behalf of the Right  
Honble the Lord Proprietary of this Province,  
I Will this be a Law  
Rob.<sup>t</sup> Eden.

By the Upper House of  
Assembly, Nov.<sup>r</sup> 16.<sup>th</sup>  
1771. Read & assented to.  
Signed by Order,  
U Scott Cl. Up. Ho.

The Great Seal  
in Wax appendant

No. 22 An Act for the Relief of certain Prisoners in the several Jails therein  
p. 138 mentioned.

[Preamble, with the Names of the Prisoners relieved by this Act.] Whereas Francis Noble & Zachariah Bond youngest of Saint Mary's County, Robert Horner, Barton Smoot and William Rye of Charles County, John Miller of Calvert County, John Lawton, Nicholas Davis (Son of Robert) Lawrence Robinson and Anthony Smith of Ann Arundel County, Alexander Monroe, John Rourke, Hugh Woods, Edward Robinson, George Wells, Richard Crutchedly, Aquila Gostwick, Thomas Round Tree, William James, John Sergeant, John Gordon Thompson, George Griffin, Owen Dunn, Charles Lin, Basil Lucas and Nathaniel Smith of Baltimore County, John Kendal, Thomas Cox Arrison, George Akers, William Crossley, John Wilson, George Griffin, Michael Frissler, Joshua Bishop, David Hellen & William Parker of Frederick County, Daniel Pierce, Samuel Passmore, Guy Snow, John Adams alias Sprowle, and Christopher Jones of Cæcil County, Zachariah Wade and James Steward of Prince Georges County, George Porter, John Culbreth, Solomon



Knotts and John Posey of Queen Anns County Archibald Campbell and Abraham Covington of Somerset County; James Stradley of Talbot County & Thomas Stoakes of Dorchester County: by their Petitions to this present General Assembly have set forth, that they have respectively continued Prisoners for Debt in the Custody of the Sheriffs of the respective Counties aforesaid for a considerable Time past & still continue in the like Deplorable Circumstances not being able to redeem their Bodies with all the Estate or Interest they have in the World, which they would readily surrender up & part with to their several & respective Creditors, if they would accept of the same, & grant the said Petitioners their Liberty, which seems so unlikely for them to obtain. That (unless relieved by a particular Act to be passed in their Favour, which by their said Petitions they have humbly prayed) they must inevitably continue Prisoners for Life & as the Allegations of the said Petitioners appear to this General Assembly to be true & that their lying in Jail can be of no Advantage to their Creditors, it is humbly prayed that the said Petitioners may be relieved according to their Prayers & that it may be enacted.

Liber R. G.  
1771

And be it enacted by the Right Honorable the Lord Proprietary by and with the Advice & Consent of his Lordship's Governor & the Upper & Lower Houses of Assembly & the Authority of the same, That in Case the said Prisoners shall deliver up, & surrender or cause to be delivered up & surrendered to the Sheriffs of the respective Counties aforesaid in the Presence of two Justices of the Peace, of the Counties aforesaid, whom the said Sheriffs are hereby required to summon at the Request of the said Prisoners, at some convenient Time after the End of this Session of Assembly, all their real & personal Estate either in Possession Reversion, Remainder or in Trust or in or unto which they have any Claim or Interest whatsoever, & likewise convey, assign transfer & make over unto the Sheriffs respectively for the Use of the said Creditors; all such their Estate Interest or Claim as aforesaid after such Manner as by the said Sheriffs & by the Major Part of such Creditors or such of them as shall think fit to direct therein or their Council learned in the Law shall reasonably devise or require at the Costs & Charges of the Persons who shall claim Benefit thereof, so that the said Prisoners be not burthened with any Warrantees thereby other than against themselves or those claiming by from or under them & that the said Prisoners at the Time of such their Surrender & transferring their Estate as aforesaid shall take their solemn Oaths (or Affirmation if Quakers) before the said two Justices as aforesaid to the Effect following Viz.<sup>t</sup> I A B do affirm or solemnly swear that the Goods Debts & Effects which I have delivered assigned & made over to the Sheriff of \_\_\_\_\_ County in Trust for the Use of my Creditors is the whole Estate both real & personal of my own in Possession, or that I have any Title to in the World, & that I have not any Estate

[Prisoners  
to be dis-  
charged on  
delivering up  
their Effects  
on Oath.]

p. 139

[The Oath.]

Liber R. G. Goods or Effects of any Kind whatsoever left either in Possession  
 1771 Reversion or Remainder (the necessary Wearing Apparel of myself, Wife & Children & working Tools excepted) & that I have not directly or indirectly sold leased or otherwise conveyed disposed of or intrusted all or any Part of my Estate thereby to defraud my Creditors or to secure the same to receive or expect any Profit or Advantage thereof. So help me God. It shall & may be lawful for the Sheriffs of the Counties aforesaid to discharge the said Prisoners & suffer them to go at large.

[To be discharged from future Arrests on Appearance, &c.]

And be it further enacted That if the said Prisoners or any of them shall be arrested or imprisoned on any Process sued out on any Judgment or Decree obtained against any of them for any Debt Damages or Costs contracted owing or growing due before the End of this Session of Assembly the Court out of which such Process issued shall & may discharge such Prisoner on Motion. And if the said Prisoners or any of them shall be arrested or imprisoned on any Process for the Recovery of any Debt Damages or Costs contracted, owing or growing due before the End of this Session of Assembly the Court or Justice before whom such Process shall be returned shall & may discharge the Party arrested out of Custody on his or her common Appearance being entered without any special Bail.

Provided that the Discharge of the said Prisoners or any of them shall not acquit any other Person from such Debt Damage or Cost or any Part thereof, but that all such Persons shall be answerable for the same in such Manner as they were before the passing this Act.

[Debts to stand good in Case, &c.]  
 p. 140

Provided always, And be it enacted That notwithstanding the Discharge of the said Prisoners or any of them all & every Debt or Debts due & owing from him, her or them & all & every Judgment had, or Decree obtained against him her or them shall stand & be good and effectual in Law to all Intents & Purposes against the Lands Tenements and Hereditaments Goods and Chattels of him her or them & which he she or they or any other Person in Trust for the Use of him her or them, had at the Time of the Discharge of the said Prisoners or any of them or which he she or they at any Time hereafter shall or may be any Way seized or Possessed of or interested in, to his her or their own Use, or in his her or their own proper Rights either in Law or Equity (except the Wearing Apparel, Bedding & working Tools of him her or them not exceeding the Sum of ten Pounds Current Money) and it shall & may be lawful for any of their Creditors their Executors Administrators or Assigns to take out new Execution or Executions without any Scire facias previous thereto against the Lands Tenements or other Hereditaments Goods & Chattels of the said Prisoners or any of them (except as before excepted) for the Satisfaction of his her or their Debts in such Sort, Manner & Form as he she

or they might have done if the said Prisoners or any of them had not been taken in Execution or discharged by Virtue of this Act.

Liber R. G.  
1771

And be it further enacted by the Authority aforesaid that if any Action of Escape be brought against any Sheriff, or any Suit or Action against any Justice or Justices for their performing their Duty in Pursuance of this Act, he or they may plead the General Issue & give this Act & the special Matter in Evidence & if the Plaintiff be Non-suit or discontinue his Action, or Verdict pass against such Plaintiff or Judgment upon Demurrer the Defendant shall have & recover double Costs.

[Actions of  
Escape.]

Provided also That Nothing in this Act shall extend or be construed to extend to bar any Creditor or Creditors of the before mentioned Prisoners from having & maintaining any Action of Escape against any Sheriff who hath permitted any Escape before the making this Act.

[Proviso, as  
to Escape.]

Provided Nevertheless that in Case any of the said Prisoners shall at any Time after making such Oath or Affirmation as aforesaid be convict of Wilful & corrupt Perjury thereupon or of a Wilful Breach on Non-Compliance with the Tenor of such Oath or Affirmation as aforesaid that then the said Prisoner shall upon such Conviction as aforesaid be wholly deprived of any Benefit intended to him her or them by this Act & shall from thenceforth be liable to be prosecuted for any Debt or Demands whatsoever in the same Manner as if this Act had never been made, any Thing to the Contrary notwithstanding.

[In Case of  
Perjury.]

p. 141

Provided also that the respective Sheriffs of the Counties aforesaid shall be first paid & satisfied for their Imprisonment Fees before any Creditor or Creditors shall have or receive any Share or Part of the Estates of the said Prisoners respectively or of the Produce thereof.

[Sheriffs  
Fees to be  
first paid.]

And be it further enacted that after Publick Notice given by Advertisements set up at the Court House Door of the County, thirty Days at the least of the Sale of any of the said Prisoners Lands & five Days at the least of the Sale of any of the said Prisoners other Estate the said Sheriffs to whom any of the said Estates real or personal shall be surrendered & delivered up in Pursuance of this Act shall set up and expose such Estates to Sale by Way of public Vendue in the Presence of one Justice of the Peace, and the Produce arising by such Sale shall be by the said Sheriffs in Manner following paid and satisfied that is to say, after Satisfaction of the aforesaid Imprisonment Fees, that the Estate and Interest of the aforesaid Prisoners, respectively upon which their Judgment Creditors or on any claiming, or that shall claim under them by Assignment or otherwise have or shall have any Lien, or the Produce thereof,

[Notice to  
be given of  
the Sale of  
the Prison-  
ers Estates,  
etc.]



Liber R. G. shall be in the first Place, after Satisfaction of the Sheriffs, as aforesaid, applied to the Discharge of the said Creditors according to the Order & Priority of their Judgments, & the Lien arising therefrom and that the Residue of the Estate & Interest of the said Prisoners, respectively or the Produce thereof shall be distributed among all their Creditors that shall apply therefor, within thirty Days after the aforesaid Sale, in equal Proportion to their Demands.

[Bonds, &c.  
belonging to  
the Prisoners  
to be assigned to the  
Sheriff.]

And be it further enacted That all the Accounts, Bonds, Notes, and other Demands which any of the said Prisoners have against any Person or Persons whatsoever shall be by the said Prisoner or Prisoners, assigned to the Sheriff in whose Custody such Prisoner or Prisoners shall be, at the Time of their Discharge & that such Sheriff or Sheriffs shall & may maintain an Action or Actions, on such Demands, as Assignee of such Prisoner or Prisoners, in his own Name.

[Proviso.]

Provided always That such Creditor or Creditors require & demand such Sheriff to sue & give to such Sheriffs a Bond to indemnify him against any Charge that may accrue to him by Means of any such Suit, & in Case of Recovery that then the Sheriff make Distribution of what shall be recovered to the Person or Persons giving him such Security as aforesaid.

[Prisoners,  
if single, to  
be sold for  
Five Years.]  
p. 142

And be it further enacted by the Authority aforesaid that if any of the Persons intended to be releived by this Act, are and shall be of sufficient Ability of Body, to labour, such Person or Persons, not having a Wife or Family, shall be & are hereby obliged to serve for a Time, not exceeding five Years to any Person or Persons who are or shall be inclined to purchase the Time of Servitude of such Debtor or Debtors & that the respective Sheriffs in whose Custody the aforesaid Debtors or any of them are, be and are hereby authorized and obliged to summon two Justices of the Peace in the respective Counties, at the Request of the said Prisoners as soon as conveniently may be after the End of this Session of Assembly and after giving five Days Notice, at the Court House of the respective Counties of the intended Sale of such Debtor or Debtors, expose to Sale in the Presence of the said Justices, such Debtor or Debtors & the Time of his or their Servitude, to the highest Bidder, & the Money arising from such Sale, shall be as Effects of such Debtor or Debtors in the Hands of the respective Sheriffs, subject as aforesaid, to a Distribution in Manner aforesaid, and the Sale and Service of such Debtor or Debtors as aforesaid, is hereby directed to be taken as a full and sufficient Acquittal and Discharge against all Debts due from such Debtor or Debtors before such Sale, provided that in Case it shall appear to the Satisfaction of the said Justices, that any of the said Debtors have offered since their Confinement to make Satisfaction to their Creditors by Servitude & that their Creditors

have refused to accept the same, that the Time such Debtors have been confined in Prison, shall be deemed and taken as Part of the aforesaid five Years & that they shall be obliged to serve only for such Time as will compleat five Years from the Day of such Offer of Servitude, and that in Case any such single Persons as aforesaid, have been confined in Prison for five Years, or any longer Time that the said Persons so confined shall be discharged upon the same Terms & in the same Manner, that Persons having Families are by this Act directed to be discharged.

By the Lower House of Assembly, November 15.<sup>th</sup> 1771. Read and assented to.

Signed by Order,  
Jn.<sup>o</sup> Duckett Cl. Lo. Ho.

On Behalf of the Right Honble the Lord Proprietary of this Province, I will this be a Law.

Rob.<sup>t</sup> Eden.

By the Upper House of Assembly, Nov.<sup>r</sup> 16.<sup>th</sup> 1771. Read and assented to.

Signed by Order,  
U Scott, Cl. Up. Ho.

The Great Seal  
in Wax appendant

No. 23 An Act to remedy divers Defects in the Records of Charles County. p. 143

Whereas it appears to this present General Assembly, that there are many Omissions, Imperfections and Mistakes in entering Deeds and Land Commissions together with the Depositions thereon taken amongst the Records of Charles County during the Time of the late Clerks of said County Court; for Remedy whereof.

Be it enacted by the Right Honorable the Lord Proprietary by and with the Advice and Consent of his Lordship's Governor and the Upper and Lower Houses of Assembly and the Authority of the same That Messieurs Walter Hanson, Joseph Hanson Harrison, Daniel Jenifer, George Dent, John Dent, Samuel Love and Josias Hawkins of said County Gentlemen or the Major Part of them be & are hereby nominated and appointed Commissioners to view & examine as well the Records of Deeds Land Commissions and Depositions thereon taken in said County as also to compare the same with the Original Deeds Commissions & Depositions, and in all Cases where any Errors, Defects or Imperfections may appear in said Records to cause the same to be amended where the Correction can be made without greatly obliterating and defacing the Record; and in all Cases where the said Records cannot be so amended that then it shall & may be lawful for the said Commissioners or the Major Part of them & they are hereby authorized and Required to give a Certificate to that Effect under their Hands to the Clerk of said County directing him to record said original Deeds or Commissions and Depositions thereon anew at the Expence of the Party requesting the same and the said Deeds Commissions & Depositions thereon or an Exemplification thereof under the Seal of said County Court shall be of the same Force & Effect to all Intents and Purposes as if recorded within the Time prescribed by Law.

Liber R. G.  
1771

[Preamble.]

[Commissioners Appointed to examine the Records of Charles County, &c.]

[and cause them to be amended where necessary, &c.]

Liber R. G.      Provided always, And be it enacted that the said Commissioners  
    1771  
    [Proviso.] before they enter upon the Execution of their Office, shall and they  
    are hereby required to take the several Oaths to the Government  
    repeat and subscribe the Test and take the following Oath that is  
    to say, You, “A B do swear that you will well & faithfully execute  
    the Trust reposed in you as a Commissioner under the Act of As-  
    sembly intituled an Act to remedy divers Defects in the Records of  
    Charles County agreeable to the Directions of said Act and according  
    to the best of your Skill and Judgment. So help you God.”

[Commis-      And be it further enacted That the said Commissioners or the  
    sioners to  
    call the Major Part of them shall have Power to call the Clerk of said  
    Clerk to at- County to attend them at all Times in his Office when they shall  
    tend them.] think convenient who shall and is hereby authorized and required  
    p. 144 in the Presence of the said Commissioners or the Major Part of  
    them to correct & amend such Records as they shall direct. And  
    [Their the said Commissioners and Clerk shall be allowed for their At-  
    allowance.] tendance the same as Justices of the County Court to be levied in the  
    same Manner.

And Whereas it appears to the present General Assembly, that  
 there are sundry Land Commissions and Depositions thereon taken &  
 returned to the said County Court but never recorded at all by the  
 Negligence of former Clerks of said County, and Doubts may arise  
 whether the same can now be recorded after such Distance of Time  
 elapsed; for the Prevention of all such Doubts.

[Commis-      Be it enacted that the Commissioners aforesaid or the Major  
    sioners to Part of them shall at the Request of any Person interested therein  
    Cause Land carefully inspect and examine such Land Commissions & Depositions  
    Commis- thereon and if they shall appear to them fair & genuine & properly  
    sions, &c., executed upon a Certificate thereof given to the Clerk of the County  
    not recorded he is hereby authorized and required to record the same at the  
    to be re- Expence of the Party interested as aforesaid, and the said Land  
    corded, &c.] Commissions and Depositions thereon or an Exemplification thereof  
    under the Seal of said County shall be as good Evidence and have  
    the same Effect to all Purposes as if recorded at the next Court  
    after the Return of such Commissions: any Law or Usage to the  
    Contrary notwithstanding: Saving to all Persons who may choose  
    to prosecute the same, his her or their Right of Action on the several  
    Clerks Bonds as well to recover Damages he she or they may have  
    sustained as also the Expence he she or they may be put to in record-  
    ing such Deeds, Land Commissions & Depositions thereon.

Continu-      And be it further enacted by the Authority aforesaid, that the  
    ance.] said Commissioners or the Major Part of them shall have full Power  
    for the Purposes herein mentioned from the first Day of December



next till the last Day of November which shall happen in the Year Liber R. G.  
1771  
seventeen hundred & seventy three and no longer.

By the Lower House of  
Assembly, Nov.<sup>r</sup> 15.<sup>th</sup>  
1771. Read & assented to.  
Signed by Order,  
Jn.<sup>o</sup> Duckett Cl. Lo. Ho.

On Behalf of the Right  
Honble the Lord Pro-  
prietary of this Province  
I Will this be a Law.  
Rob.<sup>t</sup> Eden.

By the Upper House of  
Assembly Nov.<sup>r</sup> 16.<sup>th</sup>  
1771. Read & assented to.  
Signed by Order,  
U Scott Cl. Up. Ho.

The Great Seal  
in Wax appendant

No. 24 An Act for the further Adjournment and Continuance of the high p. 145  
Court of Appeals.

Whereas a further Adjournment of the high Court of Appeals [Preamble.]  
is at this Time necessary. Be it enacted by the Right Honourable  
the Lord Proprietary by & with the Advice and Consent of his  
Lordships Governor and the Upper and Lower Houses of Assembly  
and the Authority of the same that all Causes Pleas Process and [Causes, &c.  
returnable to  
the High  
Court of  
Appeals, ad-  
journd and  
continued.]  
Pleadings now depending in or returnable to the said High Court  
of Appeals and which cannot otherwise so long continue shall be and  
are by Virtue of this Act adjourned and continued untill the second  
Tuesday in February next & shall then be in the same Plight &  
Condition as they now are any Law, Usage or Custom to the Con-  
trary notwithstanding.

By the Lower House of  
Assembly November 15.<sup>th</sup>  
1771. Read & assented to.  
Signed by Order,  
Jn.<sup>o</sup> Duckett Cl. Lo. Ho.

On Behalf of the Right  
Honble the Lord Pro-  
prietary of this Province  
I Will this be a Law.  
Rob.<sup>t</sup> Eden.

By the Upper House of  
Assembly Nov.<sup>r</sup> 16.<sup>th</sup>  
1771. Read & assented to.  
Signed by Order  
U Scott Cl. Up. Ho.

The Great Seal  
in Wax appendant

No. 25 An Act for the Adjournment and Continuance of Frederick County  
Court.

Whereas several of the Attornies practicing the Law & some other [Preamble.]  
Persons having Business in the said Court are Members of the As-  
sembly and obliged to attend their Duty therein.

Be it therefore enacted by the Right Honourable the Lord Pro-  
prietary by & with the Advice & Consent of his Lordships Governor  
and the Upper & Lower Houses of Assembly & the Authority of  
the same, that all Causes, Pleas, Process, and Proceedings either [Causes, &c.  
returnable to  
Frederick  
County  
Court ad-  
journd and  
continued.]  
Civil or Criminal now depending or returnable to the said County  
Court of Frederick to be held the third Tuesday of November in  
this Present Year shall be and are by Virtue of this Act adjourned &  
continued from the said third Tuesday of November until the third

Liber R. G. Monday in December next & shall be in the same State & Condition  
1771 as they would be on the said third Tuesday of November any Law  
Usage or Custom to the Contrary notwithstanding.

By the Lower House of  
Assembly, November 16<sup>th</sup>  
1771. Read & assented to.  
Signed by Order.  
Jn.<sup>o</sup> Duckett Cl. Lo. Ho.

On Behalf of the Right  
Honble the Lord Pro-  
prietary of this Province  
I Will this be a Law.  
Rob.<sup>t</sup> Eden.

By the Upper House of  
Assembly, Nov. 16<sup>th</sup> 1771.  
Read & assented to.  
Signed by Order,  
U Scott Cl. Up. Ho.

The Great Seal  
in Wax appendant

No. 26 An Act empowering the Justices of Prince Georges & Charles Coun-  
p. 146 ties to levy on the Taxable Inhabitants of S.<sup>t</sup> Johns (commonly  
called King Georges) Parish in said Counties the Quantity of  
fifty six Thousand Pounds of Tobacco for the Purposes therein  
mentioned.

[Preamble.] Whereas the Rector, Vestrymen, Church Wardens, and sundry  
Parishoners of S.<sup>t</sup> Johns (commonly called King Georges) Parish, in  
Prince Georges & Charles Counties by their humble Petition to this  
General Assembly, representing, That certain Repairs are necessary to  
be done, to the Lower Chapel in the said Parish. And a Vestry Room  
for the Convenience of the Inhabitants there, to be built, & that an  
Enlargement of the Upper Chapel, hath likewise become necessary,  
through the Increase of the People, many of whom are in Want of  
Pews to sit in, have prayed that an Act may pass for the Assessment  
of fifty six thousand Pounds of Tobacco on the Taxable Inhabitants  
of the said Parish for the above Purposes.

[Justices of Prince-  
George's and  
Charles  
Counties  
to levy  
56,000  
Pounds of  
Tobacco on  
the In-  
habitants of  
St. John's  
Parish, at  
Two equal  
Assess-  
ments.] Be it therefore enacted by the Right Honourable the Lord Pro-  
prietary by & with the Advice and Consent of his Lordship's Gov-  
ernor and the Upper and Lower Houses of Assembly & the Authority  
of the same that the Justices of Prince Georges & Charles Counties  
for the Time being, shall be & they are hereby impowered and re-  
quired on the Application of the Vestry and Church Wardens of  
the aforesaid Parish (lying in Prince Georges & Charles Counties)  
or the Major Part of them to assess & levy on the Taxable In-  
habitants of the said Parish the aforesaid Sum of fifty six thousand  
Pounds of Tobacco & the Salary of five per Cent to the Sheriff for  
collecting the same; at two equal Assessments, which said Assess-  
ments shall be respectively made by the Justices aforesaid, in Pro-  
portion to the Taxable Inhabitants of the said Parish residing in  
their respective Counties & the same together with the Sheriffs Salary  
for Collection shall & may be payable by the Taxable Inhabitants  
of the said Parish & collected by the Sheriffs of the said Counties in  
common circulating Currency at the Rate of twelve Shillings & six  
Pence per Hundred and shall be by them respectively paid to the

Vestry & Church Wardens of the said Parish, for the Time being, who are hereby authorized & impowered to apply the same to the Purposes in this Act mentioned in such Manner, as to them or the Major Part of them shall seem most necessary & convenient, and to no other Use or Purpose whatsoever.

Liber R. G.  
1771

By the Lower House of  
Assembly, November 20.<sup>th</sup>  
1771. Read & assented to.  
Signed by Order,  
Jn.<sup>o</sup> Duckett Cl. Lo. Ho.

On Behalf of the Right  
Honble the Lord Pro-  
prietary of this Province,  
I Will this be a Law.  
Rob.<sup>t</sup> Eden.

By the Upper House of  
Assembly, Nov.<sup>r</sup> 20.<sup>th</sup>  
1771. Read & assented to.  
Signed by Order,  
U Scott Cl. Up. Ho.

p. 147

The Great Seal  
in Wax appendant

No. 27 An Act for the Naturalization of Charles Frederick Weisenthal. [A Private Act.]

Be it enacted by the Right Honorable the Lord Proprietary by & with the Advice and Consent of his Lordship's Governor and the Upper and Lower Houses of Assembly and the Authority of the same That Charles Frederick Weisenthal of Baltimore in Baltimore County in this Province Physician who was born in Germany is of the Protestant or Reformed Religion & hath resided upwards of twelve years in the said Town of Baltimore shall have and he is hereby enabled to all Intents Constructions and Purposes to demand take retain & enjoy all the Privileges and Immunities belonging to or enjoyed by his Majesty's liege People born within this Province and shall be received, deemed taken and considered in all Respects as a Person of full Credit in all Courts Jurisdictions and Places within this same Province and he is hereby qualified and enabled to purchase, have, hold and enjoy any Lands and Tenements or other Hereditaments within this Province and to attest, prove, prosecute maintain & defend any Action or Actions or Matters or Things before any of the Courts or other Jurisdictions within the same Province & have hold and enjoy all the Privileges Rights Freedom & Credit that any of his Majesties Subjects of this Province may or can have, claim, challenge or demand any Thing to the Contrary thereof notwithstanding.

Provided always And be it enacted that the said Charles Frederick Weisenthal shall on or before the thirtyeth Day of December in the Year next ensuing in some Court of Record within this Province or before some Provincial or County Magistrate appear & take & subscribe the Oaths to the Government and Declaration required by Law he first proving to the Satisfaction of such Court or Magistrate that he hath taken the Sacrament of the Lords Supper in some Protestant Congregation in this Province within three Months next before his taking the said Oaths and at the Time of his so taking

p. 148



Liber R. G. the same produce a Certificate signed by the Person administrating  
1771 the said Sacrament and attested by two Witnesses.

By the Lower House of  
Assembly November 20.<sup>th</sup>  
1771. Read & assented to,  
Signed by Order,  
Jn.<sup>o</sup> Duckett Cl. Lo. Ho.

On Behalf of the Right  
Honble the Lord Pro-  
prietary of this Province  
I Will this be a Law.  
Rob.<sup>t</sup> Eden.

By the Upper House of  
Assembly, Nov.<sup>r</sup> 20 1771.  
Read & assented to.  
Signed by Order,  
U Scott Cl. Up. Ho.

The Great Seal  
in Wax appendant

No. 28 An Act to levy on the Taxable Inhabitants of Baltimore County the Quantity of three hundred thousand Pounds of Tobacco for finishing and compleating the Court House and Prison of the said County.

[Preamble.] Whereas it appears to this General Assembly that the Sum of one thousand nine hundred & sixty three Pounds nineteen Shillings & ten Pence hath been received by the Commissioners appointed by the Act of Assembly, entitled an Act for erecting a Court House & public Prison in Baltimore County in the Town of Baltimore and for making Sale of the Old Court House & Prison that the further Sum of seven hundred & fifty Pounds seventeen Shillings hath been received by them for Subscriptions amounting together to two thousand seven hundred & fourteen Pounds sixteen Shillings and ten Pence that one hundred & thirteen Pounds twelve Shillings & six Pence is still outstanding due from Subscribers who are thought solvent & forty eight Pounds two Shillings & six Pence from subscribers who are thought to be insolvent. That the Sum of two thousand seven hundred & seventy six Pounds seventeen Shillings & nine Pence hath been expended by the said Commissioners & actually paid by them in and about the Purposes aforesaid, and that there are still some Accounts not yet paid or brought in with which they stand chargeable so that it appears that the said Commissioners have actually paid & advanced sixty two Pounds & eleven Pence more than they have actually received.

p. 149 And Whereas it appears to this General Assembly that after the said Prison was finished and the Night before it was to have been delivered to the Sheriff the same was burnt down and hath been since rebuilt and delivered to the Sheriff & that the Walls of the first Story of the Court House are carried up but the Joists not on some of the Materials for further prosecuting the Building of the Court House being already purchased & many Materials necessary for compleating it being still wanting.

[Justices of  
Baltimore  
County to  
levy 300,000] Be it enacted by the Right Honorable the Lord Proprietary by and with the Advice & Consent of his Lordship's Governor and the Upper and Lower Houses of Assembly and the Authority of the

same, That the Justices of Baltimore County Court shall & they are hereby authorized directed and empowered to assess and levy on the Taxable Inhabitants of the said County at the Time of laying the Public Levy a Quantity of Tobacco not exceeding three hundred thousand Pounds by two equal Assessments in the Years seventeen hundred & seventy one and seventeen hundred and seventy two, together with the Sheriffs Salary of five per Cent for Collection, which said Assessments so as aforesaid to be made and levied shall be collected by the Sheriff of the said County from the several Taxable persons, who shall reside within the said County in the same Manner as other public and County Levies are by Law collected & the said Tobacco when so as aforesaid collected shall be paid by such Sheriff to the Commissioners hereafter named or the Major Part of them or their Order or Orders who are hereby authorized and required to receive & apply the same to the Uses and Purposes following that is to say to finish & compleat the said Prison and Court House.

Liber R. G.  
1771  
Pounds of  
Tobacco on  
the taxable  
Inhabitants  
in the Years  
1771 and  
1772;]

[to be ap-  
plied towards  
finishing and  
compleating  
the Prison  
and Court-  
House.]

Provided Nevertheless that if the said Quantity of Tobacco when collected should be more than sufficient for the Purposes aforesaid then and in such Case the Overplus shall be paid into the Hands of the Justices of the said County & applied to pay and discharge the Public and County Levy of the said County.

[Proviso.]

And be it further enacted that Robert Alexander, William Smith John Moale and Andrew Buchanan be and are hereby appointed Commissioners to execute & perform the Trust reposed in them & required by this Act & they are hereby empowered to treat and agree with Undertakers or Workmen to finish and compleat the said Court House & Prison.

[Commis-  
sioners  
appointed to  
put this Act  
in Execu-  
tion.]

Provided always And be it enacted that it shall & may be lawful for the several respective Inhabitants of the said County to pay and discharge the said Quantity of Tobacco so as aforesaid to be assessed & levied in Money at the Rate of ten Shillings Current Money per hundred Pounds of Tobacco.

[Proviso.]

By the Lower House of  
Assembly, Nov.<sup>r</sup> 22.<sup>d</sup>  
1771. Read & assented to.  
Signed by Order,  
Jno Duckett Cl. Lo. Ho.

On Behalf of the Right  
Honble the Lord Pro-  
prietary of this Province  
I Will this be a Law.  
Rob.<sup>t</sup> Eden.

By the Upper House of  
Assembly, Nov.<sup>r</sup> 22.<sup>d</sup>  
1771. Read & assented to.  
Signed by Order,  
U Scott Cl. Up. Ho.

p. 150

The Great Seal  
in Wax appendant

No. 29 An Act to empower Elizabeth Williams Administratrix of George Williams with the Will annexed to make and execute the Conveyances therein mentioned.

Whereas Elizabeth Williams of Baltimore County Widow & Relict of George Williams late of the County deceased did by her

[A Private  
Act.]

Liber R. G. Humble Petition to this General Assembly set forth that the said  
 1771 George Williams executed a Bond in the Penalty of five hundred & eighty three Pounds and ten Shillings Pennsylvania Money to Robert Smith for the Conveyance of a Tract of Land called William's Discovery in Baltimore County and of one other Tract of Land called Frankford and of ten Acres of Land adjoining thereto in said County in Fee Simple to the said Robert Smith and that the said Robert Smith executed Bonds to the said George Williams, one for the Payment of one hundred and ninety one Pounds fifteen Shillings Pennsylvania Money and the other for the Payment of one hundred Pounds like Money which Sums of Money were the Consideration for the Lands in the said Bond for Conveyance above mentioned. That the said George Williams also executed a Bond in the Penalty of eight hundred Pounds Current Money to Thomas Bailey for the Conveyance of a Tract of Land called Milford and one Tract called Williams's Neglect lying & being in Queen Anns County in Fee Simple to the said Thomas Bailey and that the said Thomas Bailey executed Bonds to the said George Williams one for the Payment of two hundred Pounds Pennsylvania Money and the other for the Payment of two hundred and forty Pounds like Money as a Consideration for the said Lands in the said Bond of Conveyance last aforesaid that the said Thomas Bailey lately died without making any Disposition of the said Lands or leaving Incumbrances to affect his real Estate. That the said George Williams also died without having executed the Conveyances according to  
 p. 151 his said several Obligations and that considerable Sums of Money are due upon the Bonds aforesaid so as aforesaid executed to the said George Williams; That the said George Williams made his last Will and Testament and thereby appointed the same Elizabeth & also his Children Executors of the same which said Will was made at Philadelphia and Letters Testamentary were there granted to the same Elizabeth and Jane Eleanor & Henry Williams Children of the aforesaid George Williams. That the Bonds aforesaid being Debts within this Province Letters of Administration with the Will of the same George Williams annexed were granted to the said Elizabeth by and with the Consent of the Children of the said George Williams. That the Grand Son & Heir at Law of the said George Williams is an Infant within the Age of twenty one Years & the said Elizabeth the Administratrix is unable to collect the Debts aforesaid from a Want of Power to make Conveyances pursuant to the said Contracts of the said George Williams which said several Facts appear to this General Assembly to be true.

Whereas it further appears to this General Assembly that a certain Henry Williams was heretofore seised in Fee of the Tract of Land aforesaid called Milford in Queen Anns County aforesaid and in the Year of our Lord seventeen hundred & fifty seven executed an Instru-



ment of Writing to said George Williams which was recorded among the Records of Queen Anns County aforesaid on the sixteenth Day of November seventeen hundred and fifty seven and is as follows Viz.<sup>t</sup> In the Records of Queen Anns County is contained the following Instrument of Writing to wit; Queen Anns County ss.<sup>t</sup> November the sixteenth Day Anno Dom. one thousand seven hundred and fifty seven the following Instrument of Writing was brought to be recorded viz.<sup>t</sup> Know all Men by these Presents that I Henry Williams of Baltimore County & Province of Maryland now being settled on Land and Mills with Goods and Chattels at my own free Choice (wherewith I am well contented) by my Father in Law George Williams of Cecil County and Province aforesaid, have and do in Consideration thereof for ever quit Claim and invest on y.<sup>e</sup> said George Williams his Heirs and Assigns for ever all & singular the Estate of my Father Abraham Williams deceased real & personal except such Goods and Chattels as now is in my Hands in Baltimore County and do hereby oblige myself my Heirs Executors & Admrs to sign seal acknowledge and deliver all and every such Conveyances as the s.<sup>d</sup> George Williams or his Attorney learned in the Law may at their reasonable Request devise or require and I do constitute and appoint my Father George Williams my lawful Attorney to sue for, levey and recover as I myself were personally present and proper Discharge to make or give of in and concerning the Premises above mentioned or touching all and every Thing or Things Devise or Devises that have therefrom arisen or may hereafter by any Ways or Means whatsoever for his own Proper Usé but at his own Costs and Charges and for the true Performance and abiding hereby I do hereby bind myself my Heirs Exors and Admrs in the just Sum of five hundred Pounds Sterling Money of Great Britain.

Liber R. G.  
1771

p. 152

In Witness whereof I do hereunto set my Hand and Seal this fifth Day of August Anno, Dom 1757, Henry Williams, [Seal]. Signed Sealed and delivered in the Presence of Francis Jenkins Jun.<sup>r</sup>, F. Tho.<sup>s</sup> Frazer, William <sup>his</sup>W Jones. In Testimony that the above is a true Copy I hereto set my Hand and affix the Seal of Queen Anns County af.<sup>d</sup> this 29th Day of October Anno Dom 1771. R.<sup>d</sup> Tilghman Clk. Queen Anns County: That the Consideration of the said Instrument of Writing was the Exchange of a Parcel of Land in Baltimore County aforesaid also called Milford held by Lease from the Lord Proprietary, upon which said Parcel of Land was erected at the Time of the said Exchange a valuable Grist Mill That the said Instrument of Writing was passed before the Date of the Bond executed as aforesaid by the said George Williams to the aforesaid Thomas Bailey & that the said George Williams derives his Title to the first aforesaid mentioned Tract of Land called Milford from and under the said Instrument of Writing. That the

Liber R. G. said Parcel of Land given in Exchange as aforesaid was by a Deed  
 1771 duly executed by the said George Williams, made over and conveyed to the said Henry Williams who afterwards for a valuable Consideration sold and disposed of the said Parcel of Land and Mill, That the said Henry Williams is since dead & that his Heir at Law is an Infant under the Age of twenty one Years.

And Whereas the said Elizabeth Williams hath prayed that for the Benefit of the Creditors and Representatives of the said George Williams and in Order to fulfil the Will of the said George Williams her Husband, An Act might pass to empower her to make Conveyances of the Lands mentioned in the Bonds aforesaid to such Persons as are entitled to the same pursuant to the Contracts aforesaid.

p. 153 Be it therefore enacted by the Right Honourable the Lord Proprietary by and with the Advice and Consent of his Lordship's Governor and the Upper and Lower Houses of Assembly and the Authority of the same, That the said Elizabeth Williams be and is hereby invested with Power & Authority to make over and convey unto the said Robert Smith the Tract of Land aforesaid called Williams Discovery in Baltimore County aforesaid and the aforesaid other Tract of Land called Frankford & the said ten Acres of Land adjoining thereto in the said County in Fee Simple & all & every the Rights & Appurtenances thereunto belonging by Deed of Bargain and Sale or other Conveyance as fully and effectually to all Intents & Purposes & according to the Terms of the said Contract as if the said Elizabeth Williams was herself in her own Right seized of & in the like Estate in the same Lands with the Appurtenances as the said George Williams was seized of at the Time of his Death; And also to make over & convey unto the Heir at Law of the aforesaid Thomas Bailey the Tract of Land aforesaid called Milford and the other Tract called William's Neglect lying and being in Queen Ann's County aforesaid in Fee Simple & all & every the Rights & Appurtenances thereunto belonging by Deed of Bargain & Sale or other Conveyance as fully & effectually to all Intents & Purposes and according to the Terms of the said Contract as if the said Elizabeth Williams was herself in her own Right seized of & in the like Estate in the same Lands with the Appurtenances as the said George Williams was seized of at the Time of his Death & as the said Henry Williams as to the said Tract of Land called Milford lying & being in Queen Anns County aforesaid was seized of at the Time of making & executing the said Instrument of writing to the said George Williams as aforesaid.

And be it further Enacted that the Monies due on the aforesaid Bond from the said Robert Smith & Thomas Bailey respectively upon the Receipt of the same shall be Assets in the Hands of the said Elizabeth Williams and laid out applied & disposed of for and

towards the Payment and Satisfaction of the Debts of the said George Williams which remain due and unsatisfied & the Residue thereof after Payment of the Debts as aforesaid according to the Testament & last Will aforesaid of the said George Williams so far forth as that provides & where it is silent agreeable to the Act of Assembly ordering and directing the Distribution of Personal Estate of Persons dying intestate saving to the Heir at Law of the said Henry Williams the Liberty of shewing Cause if any he hath or can shew to the Chancellor of this Province for the Time being at any Time within twelve Months after his Arrival to Age why the aforesaid Instrument of Writing should not be aided & the said Contract specifically performed & upon such Cause shewn to the Satisfaction of the Chancellor, then & in such Case this Act so far as it respects the said Instrument of Writing & Contract to be void, Any Clause Matter or Thing herein to the Contrary notwithstanding. Saving also to the Heir at Law of the said George Williams the Liberty of shewing Cause if any he hath or can shew to the Chancellor of this Province for the Time being at any Time within twelve Months after his Arrival to Age why the Contract aforesaid of the said George Williams with the said Robert Smith & the Contract aforesaid of the said Thomas Bailey or either of them should not be specifically performed & upon such Cause shewn to the Satisfaction of the Chancellor then & in such Case this Act so far as it respects the Contract which the Chancellor shall determine ought not to be specifically performed shall be void, any Clause Matter or Thing to the Contrary notwithstanding.

Liber R. G.  
1771

p. 154

By the Lower House of  
Assembly, November 22.<sup>d</sup>  
1771 Read & assented to.  
Signed by Order,  
Jn.<sup>o</sup> Duckett Cl. Lo. Ho.

On Behalf of the Right  
Honble the Lord Pro-  
prietary of this Province,  
I Will this be a Law.  
Rob.<sup>t</sup> Eden.

By the Upper House of  
Assembly, Nov.<sup>r</sup> 22.<sup>d</sup> 1771  
Read & assented to.  
Signed by Order,  
U Scott Cl. Up. Ho.

The Great Seal  
in Wax appendant

No. 30 An Act to empower Jane Ridgely Executrix of Nicholas Greenbury Ridgely late of Ann Arundel County deceased, to convey the Land therein mentioned.

Whereas the said Jane Ridgely hath by her Petition set forth that the said Nicholas Greenbury Ridgely her late Husband on or about the ninth Day of February in the Year of our Lord one thousand seven hundred & seventy one, entered into an Agreement with George Scott Esquire late of Prince Georges County deceased for the Conveyance of a Tract of Land lying in Frederick County called Norway which said Agreement was reduced to Writing and Signed by the said Nicholas Greenbury Ridgely and is as follows, Memorandum. That this Day I Nicholas Greenbury Ridgely of Ann Arundel

[A Private  
Act.]



Liber R. G. County have sold to George Scott of Prince Georges County a  
 1771 Tract of Land lying in Frederick County called Norway containing  
 six hundred & thirty Acres for the Sum of five hundred & fifty  
 Pounds Sterling in good Bills of Exchange for which he has paid  
 me the Sum of three hundred & fifty Pounds Sterling in Bills of  
 Exchange and the remaining two hundred Pounds Sterling he is  
 to pay the twentieth Day of June next in good Bills of Exchange  
 or Cash at the Option of the said George Scott & I hereby oblige  
 me & my Heirs to make over & convey the said Tract of Land to  
 the said George Scott and his Heirs clear of all Incumbrances by  
 a Deed to be executed with all convenient Dispatch In Witness  
 whereof I have hereunto set my Hand & Seal this ninth Day of  
 February 1771. Signed Nicholas Greenbury Ridgely. And that the  
 said Nicholas Greenbury Ridgely by his last Will dated the second  
 Day of March in the Year last mentioned appointed the said Jane  
 Ridgely & a certain Thomas Johns Executrix & Executor of his  
 said Will, but the said Thomas Johns having renounced his Share  
 of the said Executorship, the Burthen of executing the said Will has  
 devolved on the said Jane Ridgely. And also that the said Nicholas  
 Greenbury Ridgely at the Time of his Death left an only Child  
 named Elizabeth his Heir at Law who is an Infant of tender Years.  
 And further that the said Jane Ridgely being desirous to comply  
 with the Agreement of her Testator as aforesaid that she may be  
 p. 155 enabled to receive the Residue of the said Purchase Money to answer  
 the Purposes of the said Nicholas Greenbury Ridgely's Will, prays  
 an Act may pass enabling her to convey the aforesaid Tract of Land  
 in Fee Simple to George Scott the Son & Heir at Law of the said  
 George Scott deceased on Payment of the Balance of the Purchase  
 Money aforesaid.

And Whereas the Truth of the several Facts contained in the said  
 Petition has been made appear to this General Assembly.

Be it therefore enacted by the Right Honourable the Lord Pro-  
 prietary by & with the Advice & Consent of his Lordships Gov-  
 ernor & the Upper & Lower Houses of Assembly & the Authority  
 of the same, That the same Jane Ridgely shall be and is by Virtue  
 of this Act impowered to make over and convey on Payment of  
 the Ballance aforesaid the said Tract of Land called Norway by  
 Indenture of Bargain & Sale or by any other proper Conveyance  
 to the said George Scott eldest Son & Heir at Law of the said  
 George Scott Esquire deceased & the Heirs forever as fully & effectually  
 to all Intents & Purposes as if the same Jane Ridgely was in her  
 own Right seised of & in the like Estate in the said Tract of Land  
 called Norway with the Appurtenances as the said Nicholas Green-  
 bury Ridgely was seised at the Time of his Death & the said Balance  
 of the Purchase Money aforesaid to receive apply & dispose of in the  
 same Manner as if the same was personal Estate & according to the

true Intent & Meaning of the last Will & Testament of the same  
Nicholas Greenbury Ridgely. Liber R. G.  
1771

And be it enacted That the same Jane Ridgely shall before the Receipt of the Balance of the Purchase Money aforesaid and Conveyance made in the Manner above specified give Bond with sufficient Sureties to the Deputy Commissary of Ann Arundel County for the Time being in the same Manner and Form as is usual in Cases of Testators Estates which said Bond shall be by her transmitted and lodged in the Prerogative Office of this Province with Condition to the same That the same Jane Ridgely shall account for the said Balance of the Purchase Money aforesaid produce a Certificate from the said Deputy Commissary of such Security having been given & also that the same Jane Ridgely shall within twelve Months after the Receipt of the said Balance of the Purchase Money aforesaid account with the Commissary for the said Balance in the same Manner as if the same was properly personal Estate & apply & dispose of the same in the same Manner as if the same was personal Estate & according to the true Meaning & Intention of the last Will and Testament of the same Nicholas Greenbury Ridgely, Saving to the Heirs at Law of the said Nicholas Greenbury Ridgely the Liberty of shewing Cause if any the said Heirs have or can shew to the Chancellor of this Province for the Time being at any Time within twelve Months after the Heirs shall arrive at the Age of twenty one Years why the Contract & Obligation aforesaid by the said Nicholas Greenbury Ridgely entered into with the said George Scott deceased ought not to have been specifically performed, & upon such Cause shewn to the Satisfaction of the said Chancellor, then & in such Case this Act shall be void, any Cause Matter or Thing herein to the Contrary thereof notwithstanding.

Provided always and be it further enacted that if the said George Scott died indebted more than his personal Estate can satisfy & discharge then the said Heir of the said Scott shall pay into the Hands of the Executor of his Father the aforesaid three hundred & fifty Pounds Sterling in good Bills of Exchange or Sterling Money at his Election or so much as may be wanting for Payment of the Debts of his said Father if any & the same Money shall be applied for that Purpose, And the said Tract of Land called Norway shall be & is hereby charged & burthened with the Payment of the said Sum of Sterling Money. p. 156

By the Lower House of  
Assembly, Nov.<sup>r</sup> 23.<sup>d</sup> 1771  
Read & assented to.

Signed by Order,  
Jno Duckett Cl. Lo. Ho.

On Behalf of the Right  
Honble the Lord Proprietary of this Province,  
I Will this be a Law.  
Rob.<sup>t</sup> Eden.

By the Upper House of  
Assembly, Nov.<sup>r</sup> 23.<sup>d</sup> 1771  
Read & assented to.

Signed by Order,  
U Scott Cl. Up. Ho.

The Great Seal  
in Wax appendant

No. 31 An Additional Supplementary Act to the Act entitled an Act for the  
Liber R. G. Establishment of religious Worship in this Province according  
1771 to the Church of England and for the Maintenance of Ministers.

[Ministers to take the Oaths, &c., within Four Months after Induction.] Be it enacted by the Right Honorable the Lord Proprietary by & with the Advice & Consent of his Lordship's Governor & the Upper and Lower Houses of Assembly & the Authority of the same, That every Minister who shall be presented inducted or appointed to any Church Living or Benefice within this Province, shall within four Months thereafter take the several Oaths appointed by Law to be taken to the Government, subscribe the Oath of Abjuration and repeat & subscribe the Test in the Provincial Court or in the County Court of the County in which his Living or Benefice shall be & then also in the same Court take the following Oath to wit: "I A B do swear that I have made no Simoniacal Contract, Payment or Promise directly or indirectly by myself or by any other to my Knowledge or with my Consent to any Person or Persons whatsoever for or concerning the procuring or obtaining the Benefice or Living of

Parish nor will at any Time hereafter perform or satisfy any Such Kind of Payment Contract or Promise made by any other without my Knowledge or Consent. So help me God through Jesus Christ.

[Ministers neglecting to take the Oaths, or concerned in any simoniacal Contract, rendered incapable of holding a Benefice.] And be it further enacted, That in Case any Minister shall directly or indirectly give any Sum of Money, Reward, Gift, Profit, or Benefit or shall directly or indirectly make or give any Agreement, Promise, Grant, Bond or other Assurance for the paying or giving any Sum of Money Reward Gift Profit or Benefit for procuring his Presentation Induction or Appointment to his Benefice or shall willfully omit or neglect to take all & every the Oaths aforesaid and in the Manner aforesaid or in Case any Minister shall in any Manner be concerned in any Simoniactal Contract such Minister shall thereupon & from thence forth be adjudged a disabled Person in Law to have or hold the same or any other Benefice or Church Living within this Province. And if any Minister shall be presented, inducted or appointed to any Benefice or Church Living in this Province by or through the Means of any Simoniactal Contract or Agreement to which he shall not be privy such Minister shall thereupon & from thenceforth be adjudged a disabled Person in Law to have or hold the same Benefice or Church Living.

[Proviso.] Provided always that no Lease really bona fide and for good & valuable Consideration made by any Person simoniacally promoted or concerned in any Simoniactal Contract to any Tenant or Person not being privy to or having Notice of such Simony shall be impeached or avoided for or by Reason of such Simony.

[Penalty in case any] And be it further enacted by the Authority aforesaid That in Case any Minister presented inducted or appointed or that shall be



presented inducted or appointed to any Benefice shall not keep Residence in his Parish but willfully absent himself by the Space of one Month together or by the Space of two Months to be at several Times in any one Year & make his Residence or abiding in any other Place or Places out of his Parish by such Time he shall forfeit for such Default ten Pounds Sterling Money to be recovered in any Court of Record within this Province by Action of Debt, Indictment or Information & paid to the Vestry & Church Wardens of the Parish where such Default shall happen to & for the Use of the same Parish.

Liber R. G.  
1771  
Minister  
shall not  
keep Resi-  
dence in his  
Parish, &c.]

And be it enacted by the Authority aforesaid, that upon Complaint in Writing made to the Governor or Commander in Chief & Council for the Time being by the Majority of any Vestry & Church Wardens that the beneficed Minister or Incumbent of the Parish where the Complainants reside hath willfully neglected to officiate therein or hath been guilty of any notorious or scandalous Immorality it shall & may be lawful for the Governor or Commander in Chief for the Time being by & with the Advice of the Council aforesaid as soon as conveniently may be to appoint by Commission three Ministers inducted into & in the actual Possession of Benefices & three Laymen of the Church of England & for the said Governor or Commander in Chief for the Time being such Governor or Commander in Chief being of the Church of England or if such Governor or Commander in Chief for the Time being be not of the Church of England then for the first Member of his Lordship's honorable Council for the Time being who shall be a Member of the Church of England together with the said Commissioners to make full & just Enquiry into the Grounds of such Complaint & by their Clerk to take at large the Depositions of Witnesses in Writing & to proceed to Sentence against the Minister who shall be found to have offended & to admonish, suspend or totally to deprive such Offender from or of his Benefice, & in Case of Suspension it shall & may be lawful for the said Governor or Commander in Chief to appoint some other Minister to officiate in the Place and Stead of the suspended Minister & such Minister so appointed shall take & receive the Income, Profits & Dues of the Benefice during the Time of such Suspension. And in Case of Deprivation to present induct or appoint some other Minister in the Place or Stead of the Minister deprived & in Case it shall appear upon Examination that the Person complained of ought to pay or receive Costs it shall & may be lawful for the said Governor or Commander in Chief and Commissioners or the Major Part of them to order & award the Payment thereof accordingly.

[A beneficed  
Minister  
neglecting to  
officiate, or  
guilty of  
Immorality,  
may be sus-  
pended or  
deprived by  
the Governor  
and Commis-  
sioners;]

[who may  
appoint an-  
other in his  
Stead, &c.]

Provided always, And be it enacted that before any such Commission shall issue, a Copy of such Complaint in Writing shall be delivered to the Minister against whom the said Complaint shall

[Provided a  
Copy of the  
Complaint  
be delivered  
to such Min-  
ister 20 Days

Liber R. G. be made if such Minister shall be found in this Province twenty  
 1771 Days at the least before the sitting of the Court of Assize Oyer &  
 before the Terminer & Jail Delivery in the County where the Parish Church  
 Sitting of of such Minister shall be situate if at that Time any Assizes shall  
 the Court of be within this Province & if no such Assizes shall then be in this  
 Assize or Province then the same Number of Days at the least before the  
 Provincial Court, &c.] Province then the same Number of Days at the least before the  
 Sitting of the Provincial Court & the same Complaint in Writing  
 shall be at the then next Court of Assize or Provincial Court as the  
 Case may be after the said Copy shall be delivered as aforesaid, laid  
 p. 158 before the Grand Jury, sworn in the respective Court aforesaid &  
 shall be together with such Evidences & Witnesses as shall be pro-  
 duced by the Complainants, and the Clergyman against whom such  
 Complaint shall be made or either of them examined by such Grand  
 Jury & if such Grand Jury shall find the Whole or any Part thereof  
 to be true such Grand Jury shall indorse thereon that the Clergyman  
 therein mentioned had a Copy of that Complaint delivered to him at  
 the Time when such Copy was delivered to him if the Delivery  
 thereof shall be sufficiently evidenced to them. And if the same was  
 not delivered nor could be delivered for the Cause aforesaid then  
 such Grand Jury shall endorse on such Complaint that such Clergy-  
 man was not to be found in this Province. And that such Com-  
 plaint or such Part thereof as they find on such Examination to be  
 true, is true on which Complaint or such Part thereof as shall be  
 found true as aforesaid & not otherwise there shall be such Com-  
 mission & other Proceedings as herein before mentioned.

[In Case of Non-  
 appearance  
 Commis-  
 sioners may  
 proceed.] And Provided also that if any such beneficed Minister shall not  
 appear before the Commissioners aforesaid but shall wilfully & con-  
 tumaciously make Default after personal Notice of the Time and  
 Place of such Inquiry, or make such Default after a Note under the  
 Hand of the said Commissioners specifying the Time and Place of  
 such Enquiry shall have been set up and affixed at his Parish Church  
 Door, one Month at the least before such Inquiry, then and in every  
 such Case the Commissioners aforesaid shall proceed in their In-  
 quiry in the same Manner as in the Case of the personal Appear-  
 ance before them of such Minister.

And be it further enacted by the Authority aforesaid That all &  
 every the Commissioners and Commissioner to be appointed as  
 aforesaid shall before they or any of them do proceed to the Execu-  
 tion of such Commission as aforesaid take the several Oaths ap-  
 pointed by Law to be taken to the Government subscribe the Oath  
 of Abjuration and repeat & subscribe the Test & also take the fol-  
 lowing Oath to wit, "I A B do swear that I will do equal Justice  
 according to the best of my Knowledge & Understanding & will  
 behave myself & execute my Office as a Commissioner appointed  
 [Commis- in Virtue of the Act entitled an Additional Supplementary Act to  
 sioners Oath.] to the Act entitled an Act for the Establishment of religious Wor-

ship in this Province according to the Church of England and for the Maintenance of Ministers justly, honestly & faithfully without Favor or Prejudice. So help me God.” Liber R. G. 1771

And be it further enacted that there shall be paid by the Vestries who shall make such Applications as aforesaid to the said Commissioners the same per Diem Allowance as is paid by Law to the Judges of the Court of Appeals & to the Clerk of the said Commissioners there shall be paid & in the same Manner the same Fees as are by Law to be paid to the Clerk of the Court of Appeals. [Their Allowance.]

This Act to continue for and during the Space of seven Years and to the End of the next Session of Assembly which shall happen after the Expiration of the said seven Years. [Continuance.]

By the Lower House of  
Assembly, Nov.<sup>r</sup> 23.<sup>d</sup>  
1771. Read & assented to.  
Signed by Order,  
Jn.<sup>o</sup> Duckett Cl. Lo. Ho.

On Behalf of the Right  
Honble the Lord Pro-  
prietary of this Province  
I Will this be a Law.  
Rob.<sup>t</sup> Eden.

By the Upper House of  
Assembly, Nov.<sup>r</sup> 23.<sup>d</sup> 1771  
Read & assented to.  
Signed by Order,  
U Scott Cl. Up. Ho.

The Great Seal  
in Wax appendant

No. 32 An Act to enable the Executors of Thomas Colvill to convey the Land therein mentioned. p. 159

Whereas it appears to this General Assembly that John Colvill, of Fairfax County in Virginia being possessed of a Tract of Land in Frederick County in this Province called Merryland containing six thousand three hundred Acres, made his last Will & Testament bearing Date the sixth Day of May seventeen hundred & fifty five & by his said Will empowered his Brother Thomas Colvill one of his Executors to sell the said Tract of Land to pay his Debts, That the said Thomas Colvill after the Death of the said John Colvill did by Virtue of the said Power given to him by the Will of the said John Colvill for and in Consideration of two thousand five hundred Pounds Sterling Money, bargain and sell the said Land to John Semple Merchant, & passed his Bond for the Conveyance of the same in the Penal Sum of five thousand Pounds Sterling Money. That the said John Semple passed his Bond to the said Thomas Colvill in an equal Penalty for his entering into fresh Bond with good & sufficient Security for the Payment of two thousand five hundred Pounds Sterling the Consideration Money aforesaid. That the said Thomas Colvill afterwards died without having received the said Consideration Money and before he had Executed any Conveyance of the said Land to the said John Semple and by his last Will & Testament appointed Frances Colvill, George Washington and John West Junior Executors thereof & that the said John Colvill died considerably in Debt, and the said Frances Colvill George Washington and John West Junior by their Peti- [A Private Act.]



Liber R. G. tion to this General Assembly have set forth that the said John Colvill  
 1771 at the Time of his Death owed his said Brother Thomas Colvill a Debt of upwards of eight hundred Pounds Sterling and that the said Thomas at the Time of his Death was indebted several Sums of Money which & the Legacies by him bequeathed cannot be paid unless the Executors can receive the Debt due from John Colvill's Estate, & therefore the said Executors of the aforesaid Thomas Colvill & the said John Semple have prayed that a Law might pass enabling the same Executors or the Survivors of them to make sufficient Deeds to the aforesaid John Semple or his Assigns for the said Land on his or their paying such Sum as should appear to be due on the said Bond or in Case of the Money not being paid within a short Space of Time that the said Thomas Colvill's Executors might be by Law enabled to sell the said Land to the highest Bidder so as the Wills of the said John Colvill and Thomas Colvill may be complied with.

Be it therefore enacted by the Right Honorable the Lord Proprietary by and with the Advice and Consent of his Lordship's Governor and the Upper and Lower Houses of Assembly and the Authority of the same, That the aforesaid Frances Colvill, George Washington and John West Junior, and the Survivors and Survivor of them shall be & are hereby empowered & enabled on the Payment on or before the twentieth Day of April one thousand seven hundred and seventy three of what shall be due on the said Contract, made between the aforesaid Thomas Colvill and John Semple for the Sale of the said Land to convey the said Tract of Land called Merryland to the aforesaid John Semple his Heirs & Assigns by such Deed or Deeds & in such Manner as the aforesaid Thomas Colvill, if he was living could and ought to convey the same, and if the said John Semple his Heirs Executors Administrators or Assigns shall not on or before the said twentieth Day of April one thousand seven hundred & seventy three pay to the aforesaid Frances Colvill,  
 p. 160 George Washington & John West Junior or some or one of them, what shall be due on the said Contract for the Sale of the said Land or tender the same that then the said Frances Colvill, George Washington and John West Junior or the Survivors or Survivor of them shall be and are hereby enabled to set up & expose the said Land to public Sale at Frederick Town in Frederick County aforesaid to the highest Bidder eight Weeks Notice being first given of such Sale in the Maryland Gazette and on Receipt of the Money for which the same shall be sold convey the said Tract of Land in Fee Simple to the Purchaser thereof by such Deed or Deeds and in such Manner as the aforesaid Thomas Colvill if he was living could convey the same.

Provided always And be it enacted that if the said Frances Colvill, George Washington and John West Junior or any or either of them

shall convey the said Land to the aforesaid John Semple or any other Person by Virtue of this Act the Money paid or which ought to be paid to them or any or either of them before or at the Time of such Conveyance for the same Conveyance shall be Assets of the said John Colvill in the Hands of the aforesaid Frances Colvill, George Washington and John West junior or such of them as shall execute such Conveyance in such Manner as the same would have been Assets in the Hands of the aforesaid Thomas Colvill, had he received the same in his Lifetime for the Sale and Conveyance of the said Land.

By the Lower House of  
Assembly Nov.<sup>r</sup> 23.<sup>d</sup> 1771.  
Read & assented to.  
Signed by Order  
Jn.<sup>o</sup> Duckett Cl. Lo. Ho.

On Behalf of the Right  
Honble the Lord Pro-  
prietary of this Province  
I Will this be a Law  
Rob.<sup>t</sup> Eden.

By the Upper House of  
Assembly Nov.<sup>r</sup> 23.<sup>d</sup> 1771  
Read & assented to.  
Signed by Order,  
U Scott Cl. Up. Ho.

Liber R. G.  
1771

The Great Seal  
in Wax appendant

No. 33 An Act for amending and declaring the Law in the Cases therein mentioned.

Whereas by the Act entitled an Act causing Grand and Petit Jurors to come to the Provincial and County Courts and ascertaining their Allowances it is among other Things provided that the Jurors to be summoned by Virtue of that Act to the Provincial and County Courts shall be of the best & most understanding Freeholders of their several and respective Counties and that no Person having any Matter of Fact depending for Trial in any Court whatsoever shall be admitted as a qualified Juror between Party and Party during the Sitting of such Court that such Matter of Fact shall be or shall be expected to be tried in. [Preamble.]

Be it enacted and declared by the Right Honourable the Lord Proprietary by and with the Advice and Consent of his Lordships Governor and the Upper and Lower Houses of Assembly and the Authority of the same that no Verdict of a Jury shall hereafter be set aside nor Judgment on any Verdict staid arrested or reversed by Reason that any Juror who tried the Cause was not a Freeholder or by Reason that any such Juror had a Matter of Fact depending for Trial as aforesaid. [No Verdict to be set aside, &c. on Account of a Juror's not being a Freeholder, &c.]

Provided nevertheless that it shall & may be lawful to and for the Plaintiff or Defendant in any Cause to be tried in any of the said Courts to challenge any Juror for Want of Freehold or by Reason that such Juror hath a Matter of Fact depending for Trial as aforesaid & that the Want of Freehold or the having a Matter of Fact depending for Trial as aforesaid shall be held and allowed to be a good Cause of Challenge to any such Juror. [Proviso.] p. 161

Liber R. G.      And Whereas it hath been doubted of what Value the said Free-  
1771      hold in the said recited Act mentioned ought to be;

[Qualifica-      It is hereby enacted that no Juror shall be received as a qualified  
tions of a      Juror in any Court within this Province (the Mayors Court of the  
Juror.]      City of Annapolis excepted) unless such Juror shall have an Estate  
of Freehold at least in his own Right or in the Right of his Wife in  
fifty Acres of Land or upwards or an Estate of Freehold as afore-  
said of the full Value of fifty Pounds Sterling at the least if the  
Plaintiff or Defendant will challenge any Juror for Want of such  
Freehold.

[Form of      And be it further enacted that instead of the Form of Recog-  
Recogni-      nizance of Bail prescribed by the Act entitled an Act for taking  
zance of      special Bail in the several Counties in this Province upon Actions  
Bail.]      or Suits depending in his Majesties Provincial Court and in the  
several County Courts of this Province the following shall be ob-  
served & used in all Actions to be commenced from & after the End  
of this Present Session of Assembly that is to say John Doe Plaintiff  
against Richard Roe Defendant, "You A. B. and C. D. do jointly  
and severally acknowledge yourselves special Bail for the said  
Richard Roe at the Suit of the said John Doe in an Action of Debt  
brought by the said John Doe against the said Richard Roe in the  
Provincial Court. They acknowledge themselves to be content there-  
with this      Day of      before      "

To the Honourable the Justices of the Provincial Court, varying  
nevertheless the said Form according as the Nature of the Action  
may require and that the said Recognizance shall have the same  
Force and Effect as any Recognizance of Bail acknowledged & taken  
in open Court.

[Justices to      And be it further enacted that the Justice or Justices by and before  
examine      whom any such Recognizance of Bail shall be taken and acknowl-  
into the      edged shall & they are hereby required carefully to examine into the  
Sufficiency      Circumstances and Sufficiency of the Bail so to be taken as aforesaid  
of Bail, &c.]      and to be careful that they do not take any Recognizance of Bail of  
Persons that shall not appear to them to have sufficient Estate within  
this Province to answer the same at the Time of taking and acknowl-  
edging thereof. Provided that nothing herein shall be construed to  
abridge or take away the Power of the Justices of the Provincial  
or County Courts within this Province to make Rules and Orders  
for the Justifying Bails and making the same absolute or to examine  
the Sureties upon Oath touching the Value of their Estates as by  
the said recited Act they are required to do.

[Upon Judg-      And be it also enacted that upon any Judgment hereafter to be  
ment ren-      rendered upon any Recognizance of Bail it shall and may be lawful  
dered on      for the Plaintiff or Plaintiffs therein to issue Execution against the  
Recogni-      Body Goods or Chattels Lands or Tenements of the Defendant as  
zance of Bail,      Plaintiff may  
issue Execu-      tion, &c.]



if the said Judgment were for his own proper Debt any Law Usage or Custom to the Contrary thereof in any wise notwithstanding. Liber R. G.  
1771

And be it enacted and declared that Execution may be issued on any Judgment rendered or to be rendered in the Provincial Court or in any County Court of this Province with stay of Execution at any Time within one Year next after the Expiration of such Stay. Provided that the Stay of Execution be entered upon the Clerk of the Court his Docket at the same Court when the Judgment shall be rendered and also after the Dissolution of any Injunction of or from the Court of Chancery or the Discharge or Expiration of any Supersedeas on Appeal or any Writ of Error at any Time within one Year after Dissolution of such Injunction or Discharge or Expiration of such Supersedeas. [Execution,  
&c. may be  
issued within  
one Year  
after Ex-  
piration of  
Stay of Exe-  
cution, &c.]  
p. 162

And be it further enacted That if any Cause instituted or hereafter to be instituted in any of the Courts of this Province shall by Rule of Court and by the Consent and Agreement of the Parties thereto be submitted and referred to the Award and Arbitrament of any Person or Persons it shall & may be lawful to and for such Court to give Judgment upon the Award of the Person or Persons to whom such Submission and Reference shall be made as of the Court to which such Award shall be returned & to award Execution thereon in the same Manner as they might do upon Verdict Confession or Non-Suit and that such Judgment shall have the same Effect to every Intent and Purpose as any Judgment upon Verdict or Confession would have. [Causes sub-  
mitted to  
Arbitration,  
Judgment on  
the Award  
to be as  
effectual as  
upon Ver-  
dict, &c.]

Provided always that such Award shall remain seven Days in the Provincial Court during their Sitting if returned to the Provincial Court or three Days in the respective County Courts during their Sitting if returned to any County Court after the Return thereof before any such Judgment shall be entered up. And if it shall appear to the Justices of the said Court to which any such Award shall be returned within the respected Times aforesaid that the same was obtained by Fraud or Mal-Practice in or by Surprise Imposition or Deception of the Arbitrators or without due Notice to the Parties or their Attorney or Attorneys it shall and may be lawful for the said Court to set aside such Award and refuse to give Judgment thereon. [Proviso.]

Provided always And be it enacted that if in any Cause which hath been referred or which shall hereafter be referred by Virtue of this Act either of the Parties or any of the Arbitrators to whom the same is or shall be referred hath died or shall happen to die before any Award was or shall be made or if the Arbitrators or any of them have refused or shall refuse to act or if after an Award made the same hath been or shall be set aside that then all that Space of Time from the Impetration of the Original Writ in such [Proviso.]

Liber R. G. Cause until the Death of the Party or Arbitrator or Refusal to act  
1771 or setting aside, such Award shall not run, be had reckoned or estimated as Part of the Time limited for the bringing or prosecuting such Suit and that this Act shall and may be taken Advantage of in Bar of the Act of Limitation without any special Replication any Thing to the Contrary hereof notwithstanding.

[Writs of Certiorari or Habeas Corpus, hereafter issued out of the Provincial Court to remove Causes depending in any County Court where the Debt, &c. shall not exceed 20 l. Sterling, the Justices shall, on Prayer, award a *Procedendo*.]  
p. 163

And be it further enacted that if any Writ of Certiorari or habeas Corpus shall be hereafter issued by Plaintiff or Defendant out of the Provincial Court to remove any Cause depending in any County Court within this Province if upon the Return of any such Writ and the Record certified into the said Provincial Court it shall appear to the Justices of the said Court that the Original Debt or Damages do not exceed Twenty Pounds Sterling, twenty six Pounds thirteen Shillings and four Pence Current Money or five thousand Pounds of Tobacco or where the Action shall be brought upon a Bond or other Specialty for the Payment of Money or Tobacco or Payment or Performance of any Bill of Exchange protested it shall appear to the said Justices that the Principal Sum mentioned in such Specialty or Condition thereof or due on such Bill of Exchange protested doth not exceed twenty Pounds Sterling, Twenty six Pounds thirteen Shillings and four Pence Current Money or five thousand Pounds of Tobacco the said Justices of the Provincial Court upon the Prayer of the Plaintiff or Defendant in such Cause shall award a *Procedendo* on such Writ of Certiorari or Habeas Corpus any Law Usage or Custom to the Contrary Notwithstanding.

[Judgments entered on Award, to be valid.]

And be it further enacted that in all Cases whatsoever where Judgments have been entered agreeable to Awards heretofore made the same shall be deemed and taken to be good and valid and as effectual in Law to all Intents and Purposes as if the same Judgment has been rendered upon Verdict or Confession.

[Proviso.]

Provided always that Nothing in this Act contained shall extend or be construed to extend to establish or in any Manner affect any Judgment that hath been entered on which any Writ of Error or Appeal hath been presented or is now depending but that such Judgment shall be considered in all Respects as if this Act had not been made, or be construed, to affect any Person or Persons that hath or have purchased any Lands Tenements or Hereditaments bona fide, and on good and valuable Consideration but that such Purchaser or Purchasers shall be and remain in the same State Right and Condition as if this Act had not passed

[Justices differing in Opinion, Persons affected may have his Bill of Exception.]

And Whereas Inconveniences have arisen to Suitors where the Justices of the several Courts of Law in this Province have been divided in Opinion.

Be it enacted and declared that in all Actions in any of the Courts of common Law of this Province wherein the said Justices shall be

divided in Opinion any Person affected by such Division in any of the said Courts in any Action whatsoever shall & may be entitled to have his Bill of Exception in the same Manner as if the Opinion of the Court had been given against him and as such Person would be by Law intituled to in other Cases

Liber R. G.  
1771

This Act to continue for and during the Space of seven Years & to the End of the next Session of Assembly which shall happen after the Expiration of the said seven Years. [Continu-  
ance.]

By the Lower House of  
Assembly, Nov.<sup>r</sup> 23.<sup>d</sup>  
1771. Read and assented  
to.

Signed by Order,  
Jn<sup>o</sup> Duckett Cl. Lo. Ho.

On Behalf of the Right  
Honble the Lord Pro-  
prietary of this Province  
I Will this be a Law.  
Rob.<sup>t</sup> Eden

By the Upper House of  
Assembly, Nov.<sup>r</sup> 23.<sup>d</sup>  
1771. Read & assented to  
Signed by Order  
U Scott Cl. Up. Ho.

The Great Seal  
in Wax appendant

- No. 34 An Act for the speedy and effectual Publication of the Laws of this Province and for the Encouragement of Anne Catharine Green of the City of Annapolis Printer.

Be it enacted by the Right Honourable the Lord Proprietary by and with the Advice and Consent of his Lordship's Governor and the Upper & Lower Houses of Assembly and the Authority of the same that there shall be allowed to Anne Catharine Green of the City of Annapolis Printer the several and respective Sums of Tobacco in the several Counties within this Province following to wit in Baltimore County five thousand one hundred and sixty; Anne Arundel County four thousand three hundred and eighty six; Charles County four thousand and forty two; Prince Georges County, Three thousand nine hundred and fifty six; Frederick County, Three thousand five hundred & twenty six; Queen Anns County, Three thousand four hundred and eighty three, Saint Marys County, Three thousand three hundred and fifty four; Dorchester County, Three thousand one hundred and eighty two; Kent County, three thousand one hundred and thirty nine; Talbot County, three thousand and fifty three; Somerset County, Three thousand and ten; Worcester County, two thousand eight hundred and eighty one, Cæcil County, two thousand eight hundred and thirty eight; and Calvert County, nineteen hundred and ninty.

[Allowance  
in Tobacco  
to A. C.  
Green.]  
p. 164

[in the  
several  
Counties.]

Which said respective Sums of Tobacco the Justices of the several County Courts within this Province are hereby empowered and required to allow & assess in their respective County Levies annually during the Continuance of this Act together with the Sheriffs Salary of five per Cent for collecting the same & the several Sums of Tobacco so to be allowed and assessed as aforesaid shall be collected by the Sheriff of each respective County and yearly paid by them respectively free from any Abatement or Deduction to the said Anne



Liber R. G. Catharine Green or her Order for Printing, stitching covering with  
 1771 Marble or blue Paper and delivering a Copy of the Public Laws  
 [Her Duty for such made in this present Session of Assembly by the first Day of March  
 Allowance.] in the Year one thousand seven hundred and seventy two and the  
 Votes and Proceedings of the Lower House of Assembly of this  
 present Session by the first Day of April in the Year seventeen  
 hundred and seventy two and also a Copy of the Laws of any future  
 Session within three Months and of the Votes and Proceedings of  
 the Lower House of Assembly within four Months respectively  
 after the End of every such Session during the Continuance of this  
 Act to the Governor and each Member of the Upper and Lower  
 Houses of Assembly and one Book of the Votes and Proceedings  
 to the Clerk of each House and three Books of the Votes and Pro-  
 ceedings aforesaid to the Clerks of the several and respective County  
 Courts for the Perusal of the Inhabitants of the several and respec-  
 tive Counties and a Copy of the Public Laws during the Continuance  
 of this Act to every Provincial and County Magistrate and a Copy  
 of each Law bound up in Leather to each House of Assembly the  
 high Courts of Appeals, the Provincial Court and to each County  
 Court within this Province unless she shall be hindered by the Death  
 of her Hands employed in the Press or by Sickness or the unavoid-  
 able Accident of her Press breaking.

[Her Allow- And be it likewise enacted that if it should happen that in any  
 ance in Year during the Continuance of this Act there should not be any  
 case of no Session of Assembly held within this Province whereby the said  
 Session.] Anne Catharine Green may be enabled to print Laws and deliver  
 p. 165 them within such Year that then and in such Case there shall be  
 allowed to the said Anne Catharine Green the several and respective  
 Sums of Tobacco in the several Counties within this Province fol-  
 lowing' to wit in Baltimore County four thousand one hundred and  
 seventy; Anne Arundel County, three thousand four hundred and  
 forty; Charles County, three thousand one hundred & eighty; Prince  
 Georges County, three thousand and ninety six; Frederick County  
 two thousand seven hundred and ninety five; Queen Ann's County,  
 two thousand seven hundred and six; Saint Mary's County, two  
 thousand four hundred & ninety four; Dorchester County, two thou-  
 sand four hundred & eight; Kent County two thousand three hun-  
 dred & sixty five; Talbot County, two thousand one hundred and  
 fifty; Somerset County, two thousand & twenty; Worcester County,  
 nineteen hundred & thirty five; Cæcil County eighteen hundred and  
 ninty, and Calvert County, fourteen hundred and sixty.

Which said respective Sums of Tobacco last aforementioned  
 together with the Sheriffs Salary of five per Cent for collecting the  
 same, the said Justices of the several County Courts within this  
 Province are hereby empowered and required to allow & assess in  
 their respective County Levy & shall be by the respective Sheriffs

collected & yearly paid to the said Anne Catharine Green in Manner & Form aforesaid for her better Support & Encouragement in serving this Province & residing within the same. Liber R. G.  
1771

Provided always And be it hereby enacted that it shall & may be lawful for the Taxable Inhabitants of this Province upon whom the above Sums of Tobacco shall be assessed to discharge & pay the same in common circulating Currency at the Rate of twelve Shillings & six Pence per Hundred. [May be  
paid in  
Money.]

Provided always That the said Anne Catharine Green shall actually reside at Annapolis during the Continuance of this Act & comply with the Terms thereof and that upon the Death of the said Anne Catharine Green, or her Removal from Annapolis or ceasing to comply with the Terms of this Act on her Part, the Payment of the Sums of Money herein before directed to be paid to her shall cease any Thing contained in this Act to the Contrary notwithstanding. [Proviso in  
Case of her  
Death or  
Removal.]

And be it likewise enacted that the Copy of the Public Laws made this present Session of Assembly as well as those made at any future Session during the Continuance of this Act shall have Marginal Notes made & printed thereto as also the Date of the Year wherein such Laws were respectively made, inserted in each Page and a List of such Laws made at the End of each Session with the Page wherein they are printed all which the said Anne Catharine is hereby required and obliged to do as well as all other Services herein before mentioned for the Yearly Salary aforesaid. [The Laws  
to have  
Marginal  
Notes, &c.]

Provided always that it shall & may be lawful for the Sheriff's of the several and respective Counties respectively & they are hereby required not to pay unto the said Anne Catharine Green the said respective Sums of Money herein before mentioned or any Part thereof to be assessed & levied for her Use for her Salary for this present or any future Year during the Continuance of this Act unless it shall be made appear to them by a Certificate or Receipt from the Sheriff of Anne Arundel County for the Time being that the public Laws and the Votes & Proceedings of this Session & every future Session or Convention during the Continuance of this Act were printed & delivered to him within the respective Times herein before directed, any Thing herein before contained to the Contrary in any Wise notwithstanding. [Proviso in  
case of her  
Failure of  
Duty.]  
  
p. 166

And be it further enacted that the several and respective Sheriffs within this Province shall and they are hereby directed and required to receive and forward the said Laws with the Votes and Proceedings aforesaid to the Clerks of the several County Courts and Members of each House of Assembly as public Letters are by the Laws of this Province directed to be forwarded and under the like Penalty to be recovered and applied in like Manner This Act to continue [Laws and  
Votes to be  
forwarded as  
publick  
Letters.]  
  
[Continu-  
ance.]

Liber R. G. 1771 until the twenty fifth Day of December which shall be in the Year seventeen hundred and seventy two.

By the Lower House of  
Assembly, November 27.<sup>th</sup>  
1771. Read & assented to.  
Signed by Order,  
Jn.<sup>o</sup> Duckett Cl. Lo. Ho.

On Behalf of the Right  
Honble the Lord Pro-  
prietary of this Province  
I Will this be a Law.  
Rob.<sup>t</sup> Eden.

By the Upper House of  
Assembly, Nov.<sup>r</sup> 27.<sup>th</sup>  
1771. Read & assented to.  
Signed by Order  
U Scott Cl. Up. Ho.

The Great Seal  
in Wax appendant

No. 35 An Act to impower Mary Louttit Executrix of James Louttit deceased to convey one undivided third Part of the Mill & Land therein mentioned.

[A Private  
Act.]

Whereas it appears to this General Assembly that James Louttit late of Cæcil County deceased died seized of one undivided third Part of a Grist Mill and thirty seven Acres & one Quarter of an Acre of Land more or less on Peats's Creek in Cæcil County as Tenant in Common with George Milligen and Tobias Rudolph and which same Mill & Land they purchased of John Edwards. That the whole Personal Estate of the aforesaid James Louttit is not sufficient to pay his Debts. That the said James Louttit had some Time before his Death intended to dispose of his third Part of the said Mill & Land; that near the Time of his Death he was reminded of his Intention on which he said he would by all Means have it sold but that his Executrix could do that without its being mentioned in the Will & very soon afterwards died without empowering his Executrix by his Will to sell his third Part of the Mill & Land aforesaid wherefore and in Confidence that an Act would be obtained to enable the said Executrix to convey the said James Louttits third Part aforesaid the aforesaid Mary Louttit after the Death of her said Husband did join with the aforesaid George Milligen and Tobias Rudolph in a Contract and Agreement for the Sale of the said Mill & Land to Nicholas Hassleback & therefore the said Mary Loutitt by her humble Petition to this General Assembly hath prayed that an Act may pass to impower her to convey the said James Louttits undivided third Part of the Mill & Land aforesaid and that the Purchase Money may be applied to the Discharge of her said Husbands Debts.

p. 167 Be it therefore enacted by the Right Honourable the Lord Proprietary by and with the Advice and Consent of his Lordship's Governor and the Upper & Lower Houses of Assembly & the Authority of the same, that the aforesaid Mary Louttit shall be & is hereby impowered after she shall have given such Bond as is herein after directed & on her Receipt of one third Part of the Purchase Money agreed on for the Whole of the said Mill and Land to make over and convey the undivided third Part of which the aforesaid



James Louttit died seized of and in the Mill and Land aforesaid to the aforesaid Nicholas Hassleback or his Heirs or Assigns in Fee Simple as effectually as she might or could convey the same if she had been impowered by any last Will of the aforesaid James Louttit to sell & convey the same for the Payment of his Debts & one third Part of the whole Purchase Money aforesaid shall administer apply and dispose of in and towards the Payment Satisfaction and Discharge of the Debts which the aforesaid James Louttit did owe at the Time of his Death in the same Manner as if the same was personal Estate & if any Balance thereof shall remain after the Payment of the said Debts the same Balance shall pay to the Heir at Law of the aforesaid James Louttit to whom his real Estate aforesaid hath descended.

Liber R. G.  
1771

Provided always that before such Conveyance shall be made by the said Mary Louttit she shall enter into Bond with at least two good & sufficient Securities to the Right Honourable the Lord Proprietary before the Deputy Commissary of Cæcil County in the Penalty of five hundred Pounds, conditioned that if she shall make such Conveyance as aforesaid that then she will well & truly administer apply pay & dispose of the said one third Part of the whole Purchase Money aforesaid according to the Directions of this Act.

By the Lower House of  
Assembly Nov.<sup>r</sup> 28.<sup>th</sup>  
1771. Read & assented to.  
Signed by Order,  
Jn.<sup>o</sup> Duckett Cl. Lo. Ho.

On Behalf of the Right  
Honble the Lord Pro-  
prietary of this Province  
I Will this be a Law.  
Rob.<sup>t</sup> Eden.

By the Upper House of  
Assembly, Nov.<sup>r</sup> 28.<sup>th</sup>  
1771. Read & assented to.  
Signed by Order  
U Scott Cl. Up. Ho.

The Great Seal  
in Wax appendant

No. 36 An Act relating to the Levy and Poor of Ann Arundel County.

Whereas by the Act entitled an Act for limitting Bills of Credit & other Purposes therein mentioned "it was directed that the Justices of Ann Arundel County should at the Time of laying the Levy of the said County for this present Year assess & levy the Quantity of Tobacco thereby directed for repairing & fitting up the Building therein mentioned for a Court House and County Clerks Office, & it appearing to this General Assembly that the said Tobacco will not be wanted for that Purpose for some Time hence. And Whereas by another Act entitled "an Act for the Relief of the Poor within the several Counties therein mentioned" it was also directed that the same Justices should at the Time of laying the Levy of the said County for this present Year assess and levy a Quantity of Tobacco to be applied to the Use of the Poor and other Purposes therein mentioned, and it being represented to this General Assembly, that no Land hath been purchased nor any Buildings erected agree-

p. 168

Liber R. G. able to the Directions of the said Act & that the same Tobacco will  
1771 not be wanted for that Purpose for some Time hence

[Tobacco not to be assessed for fitting up a Building for a Court House, &c. until 1775; nor for the Use of the Poor, until 1774.] Be it enacted by the Right Honourable the Lord Proprietary by & with the Advice & Consent of his Lordship's Governor & the Upper and Lower Houses of Assembly and the Authority of the same, that the said Tobacco first above mentioned shall not be assessed or levied by the said Justices untill the Laying the Levy of the said County for the Year seventeen hundred and seventy five when it shall & may be assessed and levied & applied as in the said Act was directed and the said Tobacco last above mentioned shall not be assessed or levied by the said Justices until the laying the Levy of the said County for the Year seventeen hundred & seventy four when it shall and may be assessed & levied & applied to the Use of the Poor, and the other Purposes in the said Act directed.

And Whereas it is represented to this General Assembly by the Trustees for the Poor of Ann Arundel County that they have not been able to find any Owners of Land near and convenient to the City of Annapolis willing to dispose of the same.

[Trustees for the Poor to Purchase Land within Ten Miles of Annapolis, &c.,] Be it further enacted that the said Trustees for the Poor of the said County or the Major Part of them & their Successors be & are hereby authorized & required to buy & purchase in Fee any Quantity of Land within ten Miles of the said City of Annapolis not exceeding one hundred Acres which they shall think proper and convenient for the Uses & Purposes by the said Act directed and to agree with the Owner or Owners of the said Land for the absolute Purchase thereof and to cause thereon such Buildings & Erections to be made for the Use of the Poor as are required by the Act entitled an Act for the Relief of the Poor within the several Counties therein mentioned.

[and are empowered to sue for and recover from the Sheriffs, any Sums remaining in their Hands, &c.] And be it further enacted that the Trustees for the Poor in the several Counties wherein Work Houses are to be erected under the said Act shall be and are hereby enabled and impowered to demand sue for recover and receive of and from the present or late Sheriffs any Sum or Sums of Money or Tobacco remaining in their Hands respectively for or on Account of the Assessments made in Virtue of the said Act.

By the Lower House of  
Assembly Nov.<sup>r</sup> 28.<sup>th</sup>  
1771. Read & assented to.  
Signed by Order,  
Jn<sup>o</sup> Duckett Cl. Lo Ho.

On Behalf of the Right  
Honble the Lord Proprietary of this Province  
I Will this be a Law.  
Rob.<sup>t</sup> Eden

By the Upper House of  
Assembly Nov.<sup>r</sup> 28.<sup>th</sup>  
1771. Read & assented to.  
Signed by Order  
U Scott Cl. Up. Ho.

The Great Seal  
in Wax appendant

No. 37 An Act empowering the County Courts to settle with Persons who were formerly Inspectors of Tobacco.

Liber R. G.  
1771  
p. 169  
[Preamble.]

Whereas by the Expiration of the Act entitled an Act for amending the Staple of Tobacco for preventing Frauds in his Majesty's Customs & for the Limitation of Officers Fees the Power of the County Courts to settle the Accounts of Inspectors ceases, whereby the Public in many Instances are deprived of the Balance due from Inspectors and in others the Inspectors remain unpaid.

Be it enacted by the Right Honourable the Lord Proprietary by and with the Advice and Consent of his Lordships Governor and the Upper and Lower Houses of Assembly and the Authority of the same, that it shall and may be lawful for the Justices of the several County Courts within this Province & they are hereby required at their next County Courts to call before them the Persons who were Inspectors of Tobacco in the Year seventeen hundred and seventy in their respective Counties who are hereby obliged to attend and to settle with & adjust the Accounts of the said Inspectors & such Inspectors are hereby empowered to make publick Sale during the Sitting of the County Court of any Tobaccos inspected by them in the Year aforesaid which they might or could have sold in Virtue of the Act aforesaid and where any Sum of Money appears to be due from the said Inspectors the said Justices shall receive & apply the same to the Use of their respective Counties and where any Sum of Money shall appear on such Settlement to be due to any Inspector the said Justices respectively are hereby authorized and required to pay to the said Inspectors such Sum out of any Monies that shall then be in their Hands & if no Money then in Hand such Justices shall at their next November Courts levy any Sum or Sums so due on the Taxable Inhabitants of their respective Counties to and for the Use of such Inspectors.

[Justices of  
County  
Courts to  
settle with  
Persons who  
were Inspec-  
tors of  
Tobacco in  
1770, &c.]

By the Lower House of  
Assembly, November 29.<sup>th</sup>  
1771. Read & assented to.  
Signed by Order,  
Jn<sup>o</sup> Duckett Cl. Lo. Ho.

On Behalf of the Right  
Honble the Lord Pro-  
prietary of this Province  
I Will this be a Law.  
Rob.<sup>t</sup> Eden

By the Upper House of  
Assembly Nov.<sup>r</sup> 29.<sup>th</sup>  
1771. Read & assented to.  
Signed by Order  
U Scott Cl. Up. Ho.

The Great Seal  
in Wax appendant

I do hereby certify that Reverdy Ghiselin Clerk of the Provincial Court and Secretary's Office of the Province of Maryland this Day personally appeared before me the Subscriber one of his Lordship's the Right honourable the Lord Proprietary of the Province aforesaid his Counsel of State and made Oath on the holy Evangels of Almighty God that he carefully examined all the Laws contained in this Book from Folio 103 to Folio 169 with the Original Acts that passed the Great Seal.



Liber R. G.  
1771

Sworn to this twenty second Day of April 1772. Before

W.<sup>m</sup> Hayward



The Seal of the Provincial Court is hereto affixed on  
Behalf of Daniel Dulany Esquire Secretary of Maryland  
by Reverdy Ghiselin Clk of the Prov. Court &

Secretarys Office

PROCEEDINGS AND ACTS  
OF THE  
GENERAL ASSEMBLY OF MARYLAND

*At a Session Held at Annapolis, June 15-July 3, 1773,  
Being the First Session of the Assembly Elected in  
May, 1773.*

THE RIGHT HONOURABLE HENRY HARFORD,  
*Lord Proprietary.*

ROBERT EDEN,  
*Governor.*





# PROCEEDINGS

## OF THE

### UPPER HOUSE OF ASSEMBLY

At a Session of Assembly, begun and held at the City of Annapolis, on Tuesday the 15.<sup>th</sup> day of June, in the Second Year of the Dominion of the Right Honourable Henry Harford Esq.<sup>r</sup> Anno Domini 1773.

U. H. J.  
Liber No. 36  
1773  
June 15  
p. 644

Were Present

His Excellency Robert Eden Esq.<sup>r</sup> Governor.

The Honble	{	Benedict Calvert Esq	George Steuart Esq
		Daniel Dulany Esq	William Fitzhugh Esq
		John Ridout Esq	William Hayward Esq
		Walter Dulany Esq	Daniel of S. <sup>t</sup> Tho. <sup>s</sup> Jenifer Esq
		John Beale Bordley Esq	George Plater Esq

Mess.<sup>rs</sup> Paca and Thomas from the Lower House acquaint His Excellency, that there are a sufficient number of Members met to make an House, and wait His Excellencys Commands.

Daniel of Saint Thomas Jenifer and George Plater Esquires are sent to the Lower House, to Administer the Oaths to the Government, appointed to be taken by Act of Assembly of this Province, to the several Members of that House, and Ordered that the Clerk of this House attend them, who Administered the several Oaths to the several Members then Present, and they all Subscribed the Oath of Abjuration and Test.

Daniel of S.<sup>t</sup> Tho.<sup>s</sup> Jenifer and George Plater Esquires are sent to acquaint the Members of the Lower House, that His Excellency requires their Attendance in the Upper House immediately.

The Lower House attend, and His Excellency Orders them to return to their House and make Choice of a Speaker.

Mess.<sup>rs</sup> John Hall and William Paca from the Lower House acquaint His Excellency, that their House hath made Choice of a Speaker.

William Fitzhugh and William Hayward Esquires are sent to acquaint the Members of the Lower House, that His Excellency requires their Attendance in the Upper House to present their Speaker for his Approbation.

The Lower House attend and present Matthew Tilghman Esq.<sup>r</sup> p. 645

U. H. J. for their Speaker, with which Choice His Excellency declares himself  
 Liber No. 36 well pleased, and makes the following Speech.  
 June 15

Gentlemen of the Upper and Lower Houses of Assembly.

I am apprehensive that the Meeting of the General Assembly, at this Time may be rather inconvenient to your private Affairs though, after the unusual length of your Recess occasioned by the Death of our late Lord Proprietary, and the peculiar State of this Province in consequence of that Event, you may perhaps deem it expedient to embrace this Opportunity of enacting such Laws as may promote the general Welfare.

I have already communicated (in Publishing my Commission and issuing the Writs of Election for this Assembly,) the Succession of M.<sup>r</sup> Harford to the Proprietaryship of this Province. I have the Honour to be continued Governor thereof, with His Majesty's most gracious Approbation of my Conduct heretofore, which I shall be supremely happy in meriting a Continuance of, as well as of the Confidence reposed in me by my Reappointment; and you may be assured, Gentlemen, that it will ever be, as it always has been my Wish and Endeavour to promote the General Good of Maryland, in which I am well assured I shall be assisted by the Concurrence, not only of the new Proprietary, but also of the Guardians of his Minority.

M.<sup>r</sup> Speaker and Gentlemen of the Lower House.

If the Inconvenience of this Season be such, as that a Meeting at another would be more agreeable to you, I will, upon being informed of your Inclinations, Prorogue this Assembly to a Time more convenient to your private Affairs. But should you think proper to enter upon and proceed in a general Course of Business, I shall with the greatest pleasure attend the Duties of my Department, and most cheerfully concur with you Gentlemen of both Houses in establishing such Acts of Assembly, as may be conducive to the Publick Utility

Mess.<sup>rs</sup> Key and Hammond from the Lower House acquaint His  
 p. 646 Excellency that their House hath made Choice of M.<sup>r</sup> John Duckett for their Clerk, and hope for His Excellency's Approbation, to whom his Excellency is pleased to declare that he approves of their Choice.

Mess.<sup>rs</sup> Nicholas Thomas and Turbutt Wright attend with M.<sup>r</sup> John Duckett Clerk of the Lower House to see him Qualified, who takes the several Oaths to the Government, appointed to be taken by Act of Assembly, and Subscribes the Abjuration and Test, and also takes the following Oath of Office Viz.<sup>t</sup> "You John Duckett do Swear, that as Clerk of the Lower House of Assembly, you shall true Entries make of all such Matters and Things, as by the Honourable Speaker, for the Time being, and that House, shall be to you directed. The Secrets of the said House you shall not divulge, to the Prejudice of the House or any Member thereof; but shall in all

Things, as Clerk to the said House, well and truly demean yourself according to the best of your Knowledge—So help you God,” and then withdraws.

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June 15

Ordered that Daniel of S.<sup>t</sup> Tho.<sup>s</sup> Jenifer and George Plater Esquires be a Committee to prepare an Address in Answer to His Excellency's Speech.

Mess.<sup>rs</sup> Sim and Contee attend with M.<sup>r</sup> Josias Beall, a Member elected for Prince Georges County to see him Qualified, who takes the several Oaths to the Government appointed to be taken by Act of Assembly, repeats and Subscribes the Abjuration and Test and then withdraws.

Adjourned until to Morrow Morning Ten of the Clock.

Wednesday Morning 16.<sup>th</sup> June 1773.

June 16

The House met again according to Adjournment.

Present as Yesterday.

Mess.<sup>rs</sup> Thomas and Wootton attend with M.<sup>r</sup> William Ward, a Member elected for Cecil County, to see him Qualified, who takes the several Oaths to the Government appointed to be taken by Act of Assembly, repeats and Subscribes the Abjuration and Test and then withdraws.

Mess.<sup>rs</sup> Wootton and Ringgold from the Lower House bring up the following Message.

By the Lower House of Assembly June 16.<sup>th</sup> 1773.

May it please your Honours.

p. 647

This House hath appointed from Nine oClock in the Morning until One in the Afternoon, and From three 'till six for its Sitting every day during this Session, for the dispatch of the publick Business.

Signed by Order Jn.<sup>o</sup> Duckett Cl. Lo. Ho.

Adjourned until Three of the Clock in the Afternoon.

Eodem Die Post Meridiem.

The House met again according to Adjournment.

Present as in the Morning.

Mess.<sup>rs</sup> Richardson and Hawkins attend with Mess.<sup>rs</sup> Francis Ware and Robert Hendley Courts, Members elected for Charles County, to see them Qualified, who take the Oaths to the Government appointed to be taken by Act of Assembly, repeat and Subscribe the Oath of Abjuration and Test, and then withdraw.



U. H. J. Mess.<sup>rs</sup> Ward and Griffith from the Lower House bring up the  
 Liber No. 36 following Message  
 June 16

By the Lower House of Assembly June 16.<sup>th</sup> 1773.

May it please your Honours.

This House hath appointed Mess.<sup>rs</sup> Worthington, Beall, Wright, Key, Bond, and Sudler, to join One or more of the Members of your House as a Committee to inspect the Office and Proceedings of the Commissioners for Emitting Bills of Credit.

Signed by Order Jn.<sup>o</sup> Duckett Cl. Lo. Ho.

The following Message is sent to the Lower House by Daniel Dulany Esquire.

By the Upper House of Assembly 16.<sup>th</sup> June 1773.

Gentlemen.

This House hath appointed Benedict Calvert and Daniel of Saint  
 p. 648 Thomas Jenifer Esquires to join the Members named by your House in a Committee to inspect the Office and Proceedings of the Commissioners for Emitting Bills of Credit.

Signed by Order U Scott Cl. Up. Ho.

Adjourned until to Morrow Morning Ten of the Clock.

June 17

Thursday Morning 17.<sup>th</sup> June 1773.

The House met again according to Adjournment.

Present as Yesterday.

Mess.<sup>rs</sup> Barnes and T. Wright attend with Mess.<sup>rs</sup> Solomon Wright and John Brown, Members elected for Queen Anns County, to see them Qualified, who take the Oaths to the Government appointed to be taken by Act of Assembly, repeat and Subscribe the Abjuration and Test, and then withdraw.

On Motion Leave is given to bring in a Bill entituled "An Act concerning Estates-Tail and the Jurisdiction of the County Courts" which, being brought in immediately, was Read the first Time in this House and Ordered to lye on the Table.

Adjourned until Three of the Clock in the Afternoon.

Eodem Die post Meridiem.

The House met again according to Adjournment

Present as in the Morning.

Mess.<sup>rs</sup> Ward and Maxwell attend with Mess.<sup>rs</sup> John Veazey and Stephen Hyland, Members Elected for Cecil County, to see them Qualified, who take the Oaths to the Government appointed

to be taken by Act of Assembly, repeat and Subscribe the Abjuration and Test, and then withdraw.

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June 17

Adjourned until to Morrow Morning Ten of the Clock.

Friday Morning 18.<sup>th</sup> 1773.

June 18

The House met again according to Adjournment.

Present as yesterday.

Mess.<sup>rs</sup> Richardson and Sudler attend with Mess.<sup>rs</sup> William Ennals and John Ennals, Members elected for Dorchester County, M.<sup>r</sup> Robert Buchanan for Kent County, and M.<sup>r</sup> Richard Tilghman Earle for Queen Anns County, to see them Qualified, who take the Oaths to the Government appointed to be taken by Act of Assembly, repeat and Subscribe the Abjuration and Test, and then withdraw. p. 649

On a Second Reading of the Bill entitled "An Act concerning Estates-Tail and the Jurisdiction of the County Courts," it was moved that the same should lie on the Table for a Third Reading, which being overruled, the Question was put, Whether the said Bill shall pass? Resolved in the Affirmative and sent the Bill to the Lower House by George Plater Esquire.

Whereupon John Beale Bordley Esquire, with the Leave of this House, entered his Dissent and Protestation against the said Bill in the manner following Viz.<sup>t</sup>

In the Upper House of Assembly 18.<sup>th</sup> June 1773.

The Bill entitled An Act concerning Estates-tail and the Jurisdiction of the County Courts, was read the Second Time. Thereupon it was moved that the same should lie on the Table for a Third Reading; which being overruled, the Question was put Whether the said Bill shall Pass? It was resolved in the Affirmative. Whereupon having the Leave of the House according to usage, I enter my Dissent and Protestation against the said Bill for these following among other Reasons

1.<sup>st</sup> Because, altho' it appears to me the Bill, from the enormous Alteration that if passed into a Law, it will occasion in the Constitution of this Government, cannot safely be continued and therefore is not expected to be revived or continued for any long Time; that yet it will in my Humble Opinion, even within the narrow Compass of seven Years, its present Limitation, damp the Commerce of the Country, by a Shock it will give to Credit, from a great uncertainty and variety in the Rules of Right that it will Occasion in the different Counties, and very many Inconveniencies to Suitors far beyond those it professes to avoid.

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p. 650

2.<sup>dly</sup> Because Plaintiffs are by this Bill abridged in their Rights of Removal and Election to sue in the Jurisdiction where Justice is best to be obtained, and this upon a kind of inverted principle of Law, in favor of offending Defendants to the prejudice of already injured Plaintiffs. An Election and Right which the Wisdom and Justice of the Laws, as well of the Parent Country as of this Province, have hitherto allowed and countenanced in favor of Remedy. For altho' the Bill leaves some Liberty to sue in the Supreme Court, and Professes a Right of Appeal, yet the Supreme Court is to be excluded all original Jurisdiction for such Claims as are most usually sued for, as well by the People in general, as by the Merchants trading here in particular, that is instead of Sums under £20 St.<sup>s</sup> the Supreme Court is now forbid to hold plea of all Sums under £100 St.<sup>s</sup> or under 30,000 pounds of Tobacco, equal to £250 St.<sup>s</sup> as Tobacco has Sold for many years preceeding this year, whether it be by originating the Suit in the Provincial Court, or by Removal to it from the Courts below; excepting only that the Defendant may elect to remove it but the Plaintiff cannot: which appears to me unequal, and I fear is therefore unjust. Plaintiffs however who receive Injuries, altho' they should live at one Extremity of the Province and the Defendants at the other, must attend their Suits at the other Extremity amidst the Connections and highest Influence of the Defendants, for all Sums not exceeding the above mentioned. How inconvenient and even impracticable this must be to Commercial People, as well as others who have such Demands in many different Counties, very Common in this Country, needs not be mentioned. Nor is it uncommon for Principal and Securities to reside in several Counties. Upon the plea of Non est Factum to a Bond so Circumstanced the Plaintiff cannot have his Bond in all the Counties of the several Defendants Residence, and is therefore liable to be Nonsuited in all but one of those Actions—pay Costs and lose his Security. 'Tis true an Appeal is declared to be due from the Judgment of the County Court. But there cannot, by the Constitution be an Appeal from the Verdict of a Jury: and from the Judgment of the Court there cannot be an Appeal with Success, unless there chance to be Error apparent on the Record: and how seldom this happens is well known. So that I conceive this seemingly great Privilege of Appeal under this Bill is of but little Advantage, opposed to the disadvantageous Condition in which Plaintiffs are now placed of being forced to sue below for large Sums without the Privilege of removing their Causes to have a better—a more unbiased Jury in the Supreme Court; altho' Defendants may do it or not at their Pleasure under this Bill.

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3.<sup>dly</sup> Because Inconveniencies to Plaintiffs, I am persuaded will be much greater under the present Bill than what it Professes to avoid



in favor of Defendants and others: and I conceive that Legislators ought not, in consequence of a particular Enormity, to neglect the uniform Dispensation of Justice

U. H. J.  
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June 18

4.<sup>thly</sup> Because the County Courts are, in general, already so crowded with common Pleas, Criminal Suits, Summary Complaints, Petitions and a variety of Matters respecting the Government and Common Justice of the respective Counties, that their Business is not done 'till after many Adjournments and Sitzings, to the grievous Inconvenience of Plaintiffs, as well as of Defendants and Witnesses and Jurymen, and to the great expence and vexation of the Parties and of the Witnesses and Jurymen; and not always to the Satisfaction of the Justices of the County Courts themselves; who are often perplexed with a Multiplicity and variety of Business.

5.<sup>thly</sup> Because the Business of Courts can no where be executed but with some Inconvenience: and where this falls heavier on one Suitor than the other, no principle will justify the Defendant profiting of his own Wrong, and throwing the Inconvenience on the person he has injured, sheltering himself under this Bill from the Hand of impartial Justice, as often as his dishonesty or Idleness force plaintiffs to sue. But I presume that generally the Inconvenience of attending the Provincial Court, in the Center of all the Business of the Province, is equal Between Plaintiffs and Defendants; and if it was not quite so yet I conceive it cannot be a grievous Inconvenience, but through a want of vigor and attention in the Members of the Court to forward the Business of it. Witnesses are necessary. Dealers from all parts of the Province negotiate much Mercantile Business in the City, and at Baltimore and other Towns. If the Merchants of these Towns are obliged to sue in the distant Counties, it would be a more Grievous Inconvenience for their Clerks or other Witnesses to go, it may be to the Extremities of the Country, to attend the County Courts than to meet half way at Annapolis; where Merchants and others from all parts meet, and settle other concerns, as well as their Law Suits. Jurymen are also necessary in all Common Law Courts. To the Provincial Court come, from each County, two Grand jurymen, and three Petty jurymen. I cannot think that the attendance on such necessary Business by only five Men from each County twice a Year, altho somewhat Inconvenient to them, can be grievously Inconvenient when they are paid for their Attendance and Itinerant Charges. At the County Courts, as it appears to me, the Attendance and loss of time is greater: for instead of only Seventy Jurymen in the whole Province attending the Provincial Court, as Jurymen twice a Year, there Attend four hundred Jurymen in the County Courts three Times a Year, and moreover at their many Adjournments, then the vast addition of Jurisdiction to these County Courts Proposed by this Bill will, I

p. 652

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humbly apprehend, draw these four hundred Jurymen from their Homes a very great part of the year; besides many idle people and others of litigious Dispositions, who are commonly Attendants on these Courts; and the Taverns and Gaming houses near them, to the Evil Example of Youth, the ruin of their Families and disturbance of their more orderly Neighbours

6.<sup>thly</sup> Because however plausible the Bill may appear, I am of Opinion it tends to root out the supream Provincial Court the better Tribunal, and bloat up in its stead many seperate Jurisdictions. Whereas the Wisdom of Ages and common observation evince that very grievous Inconveniencies attend the distribution of Justice in many distinct Courts dispersed about a Country. In these I conceive will be as great variety of modes of Injustice and Oppression as Lord Hale observes there were of the Rules and Administration of Justice in the dispersed County Jurisdictions in England: where the Administration of the Common Justice of the Kingdom, in the Time of Henry the 2.<sup>d</sup>, was wholly dispensed in the County Courts and other Inferior Courts, which bred great Inconveniencies, uncertainty and variety in the Laws; whereby, in Process of Time, every several County had several Laws Customs Rules and forms of Proceeding, and there all Business of moment was carried by Parties and Factions, and Men sped according as they could make Parties; and those who had great Interest in the County easily overbore others in their Causes, and altho' (says Lord Hale) in Cases of False Judgment the Law Provided Remedy, (in nature of an Appeal) yet this proved but ineffectual to those Mischiefs; therefore Business was drawn into not out of the Great Courts; where it was dispatched with greater Justice and Equality: and for these Reasons Edw.<sup>d</sup> 1. kept the Inferior Courts within Bounds: and so gradually the Common Justice of the whole Country came to be administered  
p. 654 by Men knowing and conversant in the Great Courts; by which Factions and Parties in Business were prevented, and both the Rule and the Administration of the Law were kept uniform, which Sentiments of the great Lord Hale, I conceive are quite applicable to such Jurisdictions at all Times and in all Counties.

7.<sup>thly</sup> Because, as I humbly conceive, the Inconvenience to Defendants Witnesses and Jurymen purposed to be redressed by this Bill, tho' as I fear to the Diminution of Remedy, would, more agreeably to the Constitution of this and the Mother Country, and to the Experience and desires of the People, be answered by an Assize Law than by this Bill: excepting what Regards Common Recoveries and Replevins as mentioned in the Bill; which might as well have been Enacted in a seperate Bill, to avoid involving with them the Dangers to the Constitution above remarked, by enacting the other parts of the Bill.

Beale Bordley

The Committee appointed to prepare an Address in Answer to His Excellency's Speech bring in the following.

U. H. J.  
Liber No. 36  
June 18

To His Excellency Robert Eden Esq.<sup>r</sup> Lieutenant General and Chief Governor in and over the Province of Maryland

The Humble Address of the Upper House of Assembly

May it please your Excellency.

We, His Majestys dutiful and loyal Subjects the Upper House of Assembly, return your Excellency our Thanks, as well for your kind and obliging Speech at the opening of this Session, as for giving us this early opportunity of enacting such Laws as may promote the general Welfare.

We cannot but derive great pleasure and Satisfaction from your Excellency's Reappointment, and the royal Approbation of your past Conduct and have the strongest Persuasion your Endeavours to advance the Prosperity of the Province will continue to be exercised for that very laudable Purpose, and that your Excellency's good Intentions will be assisted by the Concurrence of the New Proprietary, and the Guardians of his Minority

p. 655

Which was Read, approved of and Ordered to be Engrossed

The Engrossed Address being prepared was Read and Assented to and Signed by Order of the House by the Honb.<sup>le</sup> Benedict Calvert Esq.<sup>r</sup>

Ordered that Benedict Calvert Esq.<sup>r</sup>, attended by the whole House, do present the said Address to His Excellency; which was presented accordingly.

Adjourned until three of the Clock in the Afternoon.

Eodem Die post Meridiem.

This House met again according to Adjournment.

Present as in the Morning.

Adjourned until to Morrow Morning Ten of the Clock.

Saturday Morning 19.<sup>th</sup> June 1773.

June 19

The House met again according to Adjournment.

Present as yesterday.

Mess.<sup>rs</sup> Ridgely and Ward attend with Mess.<sup>rs</sup> Walter Tolley, a Member elected for Baltimore County, and Joseph Gilpin for Cecil County, to see them Qualified, who take the Oaths to the Government appointed to be taken by Act of Assembly, repeat and Subscribe the Abjuration and Test, and then withdraw.



U. H. J. His Excellency is pleased to communicate to this House the follow-  
 Liber No. 36 ing Message, in Answer to the Address.  
 June 19  
 p. 656 Gentlemen of the Upper House of Assembly

I return you my best Thanks for your very obliging Address, and feel great pleasure in your Congratulation on my Reappointment, and your persuasion of my Endeavours to advance the Prosperity of the Province. Your early and numerous attendance at the Meeting of this Session, is a convincing and satisfactory proof to me of your Inclination to second the same.

June 18.<sup>th</sup> 1773.

Rob.<sup>t</sup> Eden

Adjourned until Monday Morning Ten of the Clock.

June 21

Monday Morning 21.<sup>st</sup> June 1773.

The House met again according to Adjournment.

Present

The Honble	{	Richard Lee Esq. <sup>r</sup>	John Beale Bordley Esq
		Benedict Calvert Esq	George Steuart Esq
		Daniel Dulany Esq	William Fitzhugh Esq
		John Ridout Esq	William Hayward Esq
		Walter Dulany Esq	Dan. <sup>l</sup> of S. <sup>t</sup> Tho. <sup>s</sup> Jenifer

Mess.<sup>rs</sup> Barnes and Earle attend with Mess.<sup>rs</sup> Samuel Wilson, a Member elected for Somerset County, Edward Lloyd for Talbot County, John Weems jun.<sup>r</sup> for Calvert County, and Nehemiah Holland, William Purnall and John Purnall Robins for Worcester County, to see them Qualified, who take the Oaths to the Government appointed to be taken by Act of Assembly, repeat and Subscribe the Abjuration and Test, and then withdraw.

Adjourned until Three of the Clock in the Afternoon.

Eodem Die post Meridiem.

The House met again according to Adjournment.

Present as in the Morning.

Mess.<sup>rs</sup> John Hall and Lloyd bring up a Bill Entitled "An Act concerning Estates-tail, and the Jurisdiction of the County Courts." Read the first and second Time in the Lower House and will Pass which was Read in this House, and passed for Engrossing.

Adjourned until to Morrow Morning Ten of the Clock.

June 22

Tuesday Morning 22.<sup>d</sup> June 1773.

p. 657

The House met again according to Adjournment

Present as Yesterday

U. H. J.  
Liber No. 36  
June 22

Read and referred to the Consideration of the Lower House of Assembly, The Petition of Philip Love, The Petition of the Trustees of the Poor of Ann Arundel County, the Petition of the Trustees of the Poor of Frederick County, The Petition of sundry Inhabitants of Frederick County for repairing the Roads, The Petition of the Rector Vestrymen and Church wardens of Christs Church Parish in Calvert County; and the Petition of Sundry Inhabitants of Saint Marys, Calvert, Charles and Prince Georges Counties for erecting a School at the Cool Springs. These Petitions were severally endorsed and sent to the Lower House by William Hayward Esquire.

Adjourned until Three of the Clock in the Afternoon.

Eodem Die Post Meridiem.

The House met again according to Adjournment.

Present as in the Morning.

Mess.<sup>rs</sup> Ware and Hawkins attend with M.<sup>r</sup> William Smallwood a Member elected for Charles County, to see him Qualified, who takes the Oaths to the Government appointed to be taken by Act of Assembly, repeats and Subscribes the Abjuration and Test, and then withdraws.

Adjourned until to Morrow Morning Ten of the Clock.

Wednesday Morning 23.<sup>d</sup> June 1773.

June 23

The House met again according to Adjournment.

Present as Yesterday.

Mess.<sup>rs</sup> Wilson and Robins attend with Mess.<sup>rs</sup> Peter Waters, a Member elected for Somerset County, and Peter Chaille for Worcester County, to See them Qualified, who take the Oaths to the Government appointed to be taken by Act of Assembly, repeat and Subscribe the Abjuration and Test, and then withdraw.

p. 658

The Engrossed Bill entitled. "An Act concerning Estates-tail and the Jurisdiction of the County Courts" is Read and Assented to by this House, and Ordered to be so Subscribed. Sent together with the Paper Bill to the Lower House by William Fitzhugh Esq.<sup>r</sup>

Read and referred to the Consideration of the Lower House of Assembly the Petitions of Gotlip Neeth, Robert Elder, John Leeds, Andrew Williams, Edward Preston, Patrick Quigley, John Keeting, Owen Keef, George Baxter, Joseph Finley, Jane Johnson, Joseph Robess Rogers, Cha.<sup>s</sup> Kees Thomas Tomkins, James Fitzsimmons, Samuel Gosnell, Patrick Henesey, Philip Barnethouse, James Wood-

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June 23

ward, Jacob Stoy, Thomas Smyth, Mark McLoughlin, John Curtiss, Daniel Harkins, John Taylor, Vachel Worthington John Hobbs, and John Linney, Prisoners in Baltimore County Jail, The Petitions of Jacob Knight, Oliver Lindsay, Edward Banister, John Houser, Mathew Compton, Benjamin Harrison, William James, John Alexander Brown, Stephen Richards, David Alsbaugh, George Wolf, Francis Miller, Leonard Hoyle, Andrew Long, John Vears and James Downs, Prisoners in Frederick County Jail, The Petitions of Thomas Swann, John Smallwood, Joseph Hagan, Thomas Coffey, Benjamin Gardner, Jonathan Gill, John McDonald, Mathew Coffey, Aquila Chunn, Jacob Lanham, Thomas Green, Henry Sickles, Henry Simpson and Luke Kenney Prisoners in Charles County Jail; The Petitions of John Brown and Thomas Standage, Prisoners in Prince Georges County Jail; The Petitions of John Messer, John Broderick, George Bolton and Richard Grace Prisoners in Ann Arundel County Jail; The Petitions of Peter Adams, and James Button Prisoners in Dorchester County Jail; and the Petitions of William Seney, John Nabb, Edward Crews, and John Seward, Prisoners in Queen Anns County Jail. These Petitions were severally Endorsed and sent to the Lower House by Daniel of Saint Thomas Jenifer Esquire.

p. 659 Read and referred to the Consideration of the Lower House of Assembly the Petition of Ludowick Davis, so Endorsed and sent by George Steuart Esquire

Adjourned until Three of the Clock in the Afternoon.

Eodem Die post Meridiem.

The House met again according to Adjournment.

Present as in the Morning.

Adjourned until to Morrow Morning Ten of the Clock.

June 24

Thursday Morning 24.<sup>th</sup> June 1773.

The House met again according to Adjournment.

Present as yesterday.

Mess.<sup>rs</sup> Ennalls and Smallwood bring up the Paper Bill entitled "An Act concerning Estates-tail and the Jurisdiction of the County Courts" thus endorsed By the Lower House of Assembly June 23.<sup>d</sup> 1773. The Engrossed Bill, whereof this is the original, Read and assented to.

Signed by Order John Duckett Cl. Lo. Ho.

Read and referred to the Consideration of the Lower House of Assembly the Petition of the Rector, Vestrymen, Church Wardens



and Parishioners of All Saints Parish in Calvert County. So  
Endorsed and sent by John Ridout Esq

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Read and referred to the Consideration of the Lower House of  
Assembly, The Petitions of Moses McGee, Ezekiel Hitchins, John  
Bowin, Abel Wright, Robert Hopkins, Thomas Pierson, & Boston  
Ale Prisoners in Worcester County Jail, the Petition of Charles  
Babington a Prisoner in Baltimore County Jail, and the Petition of  
Joseph Floyd a prisoner in Talbot County Jail.

These Petitions were severally Endorsed and sent to the Lower  
House by John Ridout Esq.<sup>r</sup>

Read and referred to the Consideration of the Lower House of p. 660  
Assembly the Petition of sundry Inhabitants of Baltimore Town for  
uniting Fells Point to said Town; also the Petition of Samuel Litten.  
These Petitions were severally Endorsed and sent to the Lower  
House by John Ridout Esq

Mess.<sup>rs</sup> Thomas and Ennals bring up a Bill, entitled "An Act to  
continue the Acts of Assembly therein mentioned," Read the first  
and second Time in the Lower House and will Pass, which was  
Read the first Time in this House and Ordered to lie on the Table.

Adjourned until Three of the Clock in the Afternoon.

Eodem Die Post Meridiem.

The House met again according to Adjournment.

Present as in the Morning.

Read the second Time in this House the Bill entitled "An Act  
to continue the Acts of Assembly therein mentioned," and will Pass,  
so endorsed and sent to the Lower House by Benedict Calvert Esq

Mess.<sup>rs</sup> Weems and Turbutt Wright bring up a Bill, entitled "An  
Act to make Valid in Law the several Acts therein mentioned," Read  
the first and second Time in the Lower House and will Pass, which  
was Read the first Time in this House and ordered to lie on the  
Table.

Mess.<sup>rs</sup> Ridgely and Tolley bring up a Bill, entitled "An Act  
reviving and continuing an Act entitled An Act for repairing and  
amending the Publick Roads in Baltimore County." Read the first  
and second Time in the Lower House and will Pass. Which was  
Read the first and second Time by an especial Order in this House,  
and will Pass. So Endorsed and sent to the Lower House by  
William Hayward Esquire.

Adjourned until to Morrow Morning Ten of the Clock

U. H. J.  
Liber No. 36  
June 25

Friday Morning 25.<sup>th</sup> June 1773.

The House met again according to Adjournment

Present as yesterday except J Beale Bordley Esq

p. 661 Mess.<sup>rs</sup> J Hall and Tolley attend with M.<sup>r</sup> Aquila Hall a Member elected for Baltimore County, to see him Qualified, who takes the Oaths to the Government appointed to be taken by Act of Assembly, repeats and Subscribes the Abjuration and Test, and then withdraws.

Read the second Time in this House the Bill entitled “An Act to aid and make valid in Law the several Acts therein mentioned,” and will not Pass, so Endorsed and sent to the Lower House by Daniel of Saint Thomas Jenifer Esquire.

Read and referred to the Consideration of the Lower House of Assembly the Petition of sundry Inhabitants of Saint Marys County, praying that an Alms and Work House may be erected in said County. The Petition of the Rector Vestrymen and Church wardens of S<sup>t</sup> Michaels Parish in Talbot and Queen Anns Counties praying the Erection of a Chapel of Ease, and the Petition of Mess.<sup>rs</sup> John McClure, John Boyd, Nathaniel Smith and Robert Henderson. These Petitions were severally Endorsed and sent to the Lower House by John Ridout Esq

Adjourned until Three of the Clock in the Afternoon.

Eodem Die post Meridiem.

The House met again according to Adjournment.

Present as in the Morning.

Mess.<sup>rs</sup> Ward and Hyland bring up a Bill, entitled “An Act to revive and aid the Proceedings of Cecil County Court”

Read the first and second Time in the Lower House and will Pass—which was Read the first Time in this House and Ordered to lie on the Table.

p. 662 Read and referred to the Consideration of the Lower House of Assembly, The Petition of the Rector Vestrymen, and Church-wardens of Saint Annes Parish in Ann Arundel County—so Endorsed and sent by William Hayward Esq

Mess.<sup>rs</sup> Hall, Smallwood, W Ennalls, Chamberlaine and Beall, bring up a Bill entitled “An Act for the Establishment of Religious Worship in this Province, for the Maintenance of the Clergy, and other Purposes therein mentioned,” Read the first and second Time in the Lower House and will Pass

Adjourned until to Morrow Morning Ten of the Clock.

Saturday Morning 26.<sup>th</sup> June 1773.

The House met again according to Adjournment.

U. H. J.  
Liber No. 36  
June 26

Present as Yesterday.

Mess.<sup>rs</sup> Smallwood and Sim bring up a Bill, entitled "An Act for more effectually preventing the buying and Selling of Offices." Read the first and second Time in the Lower House and will Pass, which was Read the first Time in this House and Ordered to lie on the Table.

Mess.<sup>rs</sup> Ward and Tolley bring up the two following Engrossed Bills, Read and assented to by the Lower House of Assembly.

A Bill entitled "An Act to continue the Acts therein mentioned."

A Bill entitled "An Act reviving and continuing an Act entitled An Act for amending and repairing the public Roads in Baltimore County."

These two Bills were Read and assented to by this House, and Ordered to be so Subscribed, the Paper Bills so Endorsed are sent to the Lower House by Daniel Dulany Esquire

Read the first Time, in this House the Bill entitled "An Act for the Establishment of Religious Worship in this Province for the Maintenance of the Clergy and for other Purposes therein mentioned" and will not Pass, so Endorsed and sent to the Lower House by G Steuart Esq together with the following Message.

By the Upper House of Assembly 26.<sup>th</sup> June 1773.

Gentlemen

We think it ought to be adopted "in all well grounded Christian States" as an inviolable Principle to preserve religiously the Publick Faith, and to observe with the utmost Strictness the Duties of Justice, and have therefore returned with our Negative Your Bill to which you have given the Title "An Act for the Establishment of Religious Worship in this Province, for the Maintenance of the Clergy, and other Purposes therein mentioned" for we are of Opinion that the Act of Assembly entitled "An Act for the Establishment of religious Worship in this Province, according to the Church of England, and for the Maintenance of Ministers," passed at a Session of Assembly begun and held at the City of Annapolis in this Province of Maryland, on the sixteenth Day of March Seventeen hundred and one-two, was enacted by Legal and constitutional Authority and therefore is in full Force and Virtue. p. 663

If upon a dispassionate and mature Consideration you shou'd not deem it improper, at this Time when Suits are depending, on the Validity of the Act of 1701-2, for either, or both Houses to Publish their Sentiments on the Question, as they may tend to influence the Determinations of the Courts, we shall be ready to enter into a full Discussion of the Subject, on your Communication



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Liber No. 36  
June 26

to us of the Reasons, which may have induced you to entertain the Opinion that the Act of 1761-2, was not enacted by legal and constitutional Authority, and is therefore void.

We are not only persuaded, that the declared Foundation of your Bill is entirely defective; but also that the Provisions of it, aiming to establish an Equality in the respective Incomes of the Ministers, would if admitted, impose an unequal Tax on the People, and oppressive on such as reside in some of the small Parishes, as well as damp the emulous Exertions of Merit, which the hopes of Preferment are wont to animate.

Signed by Order U Scott Cl. Up. Ho.

Mess.<sup>rs</sup> Paca and Gilpin bring up the following Bills, Read the first and second Time in the Lower House and will Pass.

A Bill, entitled “An Act to prevent Counterfeiting the Paper Money of other Colonies.”

A Bill, entitled “An Act to enable the Commissioners for Emitting Bills of Credit to pay the Executors of Philip Hammond the Sum of Money therein mentioned.”

A Bill, entitled “An Act for the Independency of the Justices, the enlargement of the County Court Jurisdiction in Cases of Equity, and the Authority of Deputy Commissaries.”

Adjourned until three of the Clock in the Afternoon.

Eodem Die Post Meridiem.

The House met again according to Adjournment.

Present as in the Morning.

Read the first and second Time, by an Especial Order, in this House the Bill entitled “An Act to prevent Counterfeiting the Paper Money of other Colonies,” and will Pass. So Endorsed and sent to the Lower House by William Hayward Esq

Ordered that Notice be given by the Clerk of this House to the Executor of Philip Hammond deceased, or any of his Representatives, and also to Mess.<sup>rs</sup> Alexander Cumming, John Campbell, and James Williams Executor of James Keith deceased, that a Bill entitled “An Act to enable the Commissioners for Emitting Bills of Credit to pay the Executor of Philip Hammond deceased the Sum of Money therein mentioned,” now in this House will have a second Reading on Tuesday next the 29.<sup>th</sup> Ins.<sup>t</sup> at eleven of the Clock in the Forenoon, at which Time any Person interested in said Bill will be heard on Application for that Purpose.

Mess.<sup>rs</sup> Hammond and Ridgeley bring up the two following Bills. Read the first and second Time in the Lower House and will Pass.

A Bill entitled “An Act to ease the People of this Province from trivial Suits in the County Courts.”

A Bill entitled "An Act for the Enlargement of Baltimore Town."

These two Bills were Read the first Time in this House and Ordered to lie on the Table.

U. H. J.  
Liber No. 36  
June 26

Adjourned until Monday Morning Ten of the Clock.

Monday Morning 28.<sup>th</sup> June 1773.

June 28

The House met again according to Adjournment.

Present

The honble	{	Richard Lee Esq	Walter Dulany Esq
		Benedict Calvert Esq	George Steuart Esq
		Daniel Dulany Esq	and
		John Ridout Esq	Daniel of S. <sup>t</sup> Tho. <sup>s</sup> Jenifer Esq. <sup>r</sup>

Read the second Time in this House the Bill, entitled "An Act for the Enlargement of Baltimore Town," and will Pass. So Endorsed and sent to the Lower House by John Ridout Esq

Mess.<sup>rs</sup> Hawkins and Waters bring up the following Bills Read the first and second Time in the Lower House & will Pass.

A Bill entitled "An Act concerning Provincial Grand Jurors."

A Bill entitled "An Act to enable the Undertaker for Building the State House to cover the same with Shingles."

A Bill entitled "An Act to continue the Acts therein mentioned," and a Bill entitled "An Act to enable the Commissioners for Emitting Bills of Credit to provide Stationary for the use of the Upper and Lower Houses of Assembly." p. 666

Read the first Time in this House, the Bill entitled "An Act concerning Provincial Grand Jurors" and also the Bill entitled "An Act to enable the Undertaker for Building the State House to cover the same with Shingles," and will not Pass. These two Bills were severally Endorsed and sent to the Lower House by George Steuart Esquire

Read the first and second Time by an Especial Order in this House the Bill, entitled "An Act to continue the Acts therein mentioned," and will Pass with the following Amendments Viz.<sup>t</sup> After the Word "Force" in the Twelfth line, insert the following Words Viz.<sup>t</sup> "for and during the Term of seven years and." So Endorsed and sent to the Lower House by George Steuart Esquire

Read the First and Second Time, by an Especial Order in this House the Bill entitled "An Act to enable the Commissioners for Emitting Bills of Credit to Purchase Stationary for the Use of the Upper and Lower Houses of Assembly" and will Pass. So Endorsed and sent to the Lower House by George Steuart Esquire.

Read and referred to the Consideration of the Lower House of Assembly the Petition of James Kendricks, the Petition of the Ves-

U. H. J. trymen of Queen Caroline Parish, and also the Petition of Mess.<sup>rs</sup>  
 Liber No. 36 Thomas Harwood, William Reynolds, John Brice, William Farris,  
 June 28 and Allen Lynn. These Petitions were severally Endorsed and sent  
 to the Lower House by Dan<sup>l</sup> of S.<sup>t</sup> Tho.<sup>s</sup> Jenifer Esq.<sup>r</sup>

Adjourned until three of the Clock in the Afternoon.

Eodem Die Post Meridiem.

The House met again according to Adjournment.

Present as in the Morning.

Mess.<sup>rs</sup> Barnes and Key attend with M.<sup>r</sup> John Reeder, a Member  
 Elected for Saint Marys County, to see him Qualified, who takes  
 p. 667 the Oaths to the Government appointed to be taken by Act of As-  
 sembly, repeats and Subscribes the Abjuration and Test, and then  
 withdraws.

Mess.<sup>rs</sup> Deye and Griffith bring up a Bill, entitled "An Act for the  
 Relief of John M<sup>c</sup>Clure and others"; Read the first and second Time  
 in the Lower House and will Pass. Which was Read the first and  
 second Time by an Especial Order in this House and will Pass. So  
 Endorsed and sent to the Lower House by Daniel Dulany Esquire.

Mess.<sup>rs</sup> Deye and Griffith bring up a Bill, entitled "An Act to aid  
 Defects in a Deed of certain Lands to Lodowick Davis." Read the  
 first and second Time in the Lower House and will Pass. Which  
 was Read the first Time in this House, and Ordered to lie on the  
 Table.

Read the second Time in this House the Bill entitled "An Act for  
 the Independency of the Justices, the Enlargement of the County  
 Court Jurisdiction in Cases of Equity, and the Authority of the  
 Deputy Commissaries"; and will not Pass. So Endorsed and sent  
 to the Lower House by Daniel Dulany Esq

Mess.<sup>rs</sup> Bond and Sudler, bring up the four following Engrossed  
 Bills Read and Assented to by the Lower House of Assembly Viz.<sup>t</sup>

A Bill entitled "An Act for the Enlargement of Baltimore Town."

A Bill entitled "An Act to prevent Counterfeiting the Paper Money  
 of other Colonies."

A Bill entitled "An Act to enable the Commissioners for Emitting  
 Bills of Credit to Provide Stationary for the Use of the Upper and  
 Lower Houses of Assembly."

A Bill entitled "An Act to continue the Acts therein mentioned."

These four Bills were Read and Assented to by this House, and  
 p. 668 Ordered to be so Subscribed, the Paper Bills so Endorsed are sent  
 to the Lower House by Daniel Dulany Esquire.

Read the second Time in this House, the Bill entitled "An Act to  
 aid and revive the Proceedings of Cecil County Court"; and will



Pass with the following Amendments Viz.<sup>t</sup> Alter the Preamble so as that it may be in the following Words, "Whereas it may be doubted whether the Justices of Cecil County Court did hold their Court on the second Tuesday of August 1772, as by an Act of Assembly of this Province they are required, by reason whereof it may be made a Question whether the Actions in the said Court depending and undetermined were discontinued or not." Leave out the Words "except as herein after excepted" in the sixth line of the first enacting Clause, and after the word "Condition" in the seventh line of the same Clause leave out the rest of the Bill and add the following Words Viz.<sup>t</sup>—"to all Intents and Purposes as if the Justices of the said Court had met and held the said Court as required by the afore-said Act of Assembly of this Province"; so Endorsed and sent to the Lower House by Daniel Dulany Esquire.

U. H. J.  
Liber No. 36  
June 28

Adjourned until to Morrow Morning Ten of the Clock.

Tuesday Morning 29.<sup>th</sup> June 1773.

June 29

The House met again according to Adjournment.

Present as Yesterday.

Read and referred to the Consideration of the Lower House of Assembly, the Petitions of John Ward, Charles Steuart, Patrick Higgins, and Peter Carroll, John McNabb, Benjamin Wallace, and Joseph Smith Prisoners in Baltimore County Jail, also the Petition of John Robert Holliday Sheriff of Baltimore County. These Petitions were severally Endorsed and sent to the Lower House by Benedict Calvert Esq

Mess.<sup>rs</sup> Paca and Hammond bring up a Bill, entitled "An Act explaining an Act relating to Leases made by the Rector Vestrymen and Church Wardens of Saint Anns Parish." Read the first and second Time in the Lower House, and will Pass, which was Read the first and second Time by an Especial Order in this House, and will pass. So Endorsed and sent to the Lower House by Daniel Dulany Esquire

p. 669

Mess.<sup>rs</sup> Wootton and Griffith bring up an Engrossed Bill entitled "An Act for the Relief of John McClure and others."

Read and Assented to by the Lower House of Assembly which was Read and Assented to by this House, and Ordered to be so Subscribed, the Paper Bill so Endorsed is sent to the Lower House by Daniel Dulany Esquire

Mess.<sup>rs</sup> Wootton and Griffith bring up a Bill, entitled "An Act for the Relief of the Poor in Frederick County," Read the first and second Time in the Lower House and will Pass; which was Read the first and second Time by an Especial Order in this House,

U. H. J. and will Pass. So Endorsed and sent to the Lower House by Daniel  
 Liber No. 36 Dulany Esq.  
 June 29

The House, agreeable to the Order of the Day, proceed to take into Consideration the Bill entitled "An Act to enable the Commissioners for Emitting Bills of Credit to Pay the Executor of Philip Hammond Deceased the Sum of Money therein mentioned," and after hearing the Allegations of the Parties concerned, the said Bill was Read a second Time in this House and will not Pass. So Endorsed and sent to the Lower House by Daniel Dulany Esq

p. 670 Read the second Time in this House the Bill entitled "An Act to aid Defects in a Deed of certain Lands to Lodowick Davis" and will not Pass. So Endorsed and sent to the Lower House by Daniel Dulany Esquire.

Adjourned until Three of the Clock in the Afternoon

Eodem Die post Meridiem

The House met again according to Adjournment

Present as in the Morning.

Mess.<sup>rs</sup> Key and Waters bring up a Bill entitled "An Act for the Relief of certain Prisoners in the several Jails therein mentioned." Read the first and second Time in the Lower House and will Pass, which was Read the first Time in this House and ordered to lie on the Table.

Read and referred to the Consideration of the Lower House of Assembly the Petition of Reuben Meriweather and William Bernard; so Endorsed and sent to the Lower House by Dan.<sup>l</sup> of S.<sup>t</sup> Tho.<sup>s</sup> Jenifer Esq

Adjourned until to Morrow Morning Ten of the Clock.

June 30

Wednesday Morning 30.<sup>th</sup> June 1773.

The House met again according to Adjournment.

Present as Yesterday and George Plater Esq.

Read and referred to the Consideration of the Lower House of Assembly the Petition of sundry Inhabitants of Saint Marys County for an Inspection House at Rapiers Landing, so Endorsed and Sent by George Plater Esquire.

Read the second Time in this House the Bill, entitled "An Act for the Relief of certain Prisoners in the several Jails therein mentioned" and will Pass with the following Amendments Viz.<sup>t</sup> Leave out the Names of "Francis Miller, Mathew Coffey and Thomas Coffey." After the Word "Prison" in the tenth line of the Eighth Page insert the following Words Viz.<sup>t</sup> "and every other of the Persons aforesaid

who have or hath intermarried since his or their Commitment to Prison." Leave out the Word "Five" in the sixteenth line of the same Page and insert in the Room thereof the Word "Ten"; so Endorsed and sent to the Lower House by John Ridout Esquire.

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June 30  
p. 671

Read and referred to the Consideration of the Lower House of Assembly, the Petitions of Robert Mundell, John Craig George Gray & Barnes and Ridgate against the Releasement of Francis Miller, Thomas Coffey and Mathew Coffey. So Endorsed and sent by John Ridout Esq

Read the second Time in this House the Bill entitled "An Act to ease the People of this Province from trivial Suits in the County Courts" and will Pass with the following Amendments Viz.<sup>t</sup> Leave out from the Word "Prosecution" in the fourth line of the first Page to the Words "And Whereas" in the Eighth line of the same Page. In the last and second and third lines from the Bottom of the first Page instead of "Thirty three Shillings and four Pence Current Money of Maryland or four Hundred Pounds of Tobacco" insert "Three Pounds fifteen Shillings Sterling, Five Pounds Current Money of Maryland or One Thousand Pounds of Tobacco." Leave out from the Word "Notwithstanding" in the fifth Line of the third Page to the Word "Provided" in the eleventh line of the fourth Page. Instead of the Words "Thirty three Shillings and four Pence Current Money or four hundred Pounds of Tobacco" in the thirteenth line of the fourth Page insert "Thirty Shillings Sterling, Forty Shillings Current Money of Maryland or four Hundred Pounds of Tobacco," and leave the Words "And no Arbitrators have been called in" out of the fourteenth line of the same Page.

Instead of "Two" in the Fifth line from the Bottom of the Fifth Page insert "Four," Instead of the Words "Six Pounds Current Money of Maryland or Fourteen hundred and forty Pounds," in the two last lines of the Fifth Page, Insert the Words "Three Pounds fifteen Shillings Sterling, Five Pounds Current Money of Maryland or One Thousand Pounds." In the 4.<sup>th</sup> and 5.<sup>th</sup> lines of the Eighth Page instead of the Words "and wrote the Sum of six Pence" insert "Two Shillings." Leave out from the Word "Money" in the Ninth line of the Eighth Page to the Word "And" in the Tenth line of the same Page, and instead of "six Pence" in the same Line Insert "One Shilling." Instead of the Words "Thirty three Shillings and four Pence" in the 14.<sup>th</sup> Line of the Eighth Page Insert "Thirty Shillings Sterling; Forty Shillings," and make a similar Alteration in the second and Third lines from the Bottom of the Eighth Page. After the Word "Notwithstanding" in the Ninth line of the Ninth Page Insert, "for taking which Bond and granting Supersedeas the Justice shall be allowed Two Shillings Current Money of Maryland." So Endorsed and sent to the Lower House by John Ridout Esq

Adjourned until Three of the Clock in the Afternoon.



U. H. J.  
Liber No. 36  
June 30

Eodem Die Post Meridiem.

The House met again according to Adjournment.

Present as in the Morning.

Mess.<sup>rs</sup> Wilson and Parran bring up a Bill entitled "An Act for the better regulating Attachments." Read the first and second Time in the Lower House and will Pass, which was Read the first Time in this House and Ordered to lie on the Table.

Mess.<sup>rs</sup> Wilson and Parran bring up the two following Engrossed Bills, Read and Assented to by the Lower House of Assembly.

A Bill entitled "An Act to explain an Act relating to Leases made by the Rector Vestrymen and Church Wardens of Saint Anns Parish."

p. 673 A Bill entitled "An Act for the Relief of the Poor in Frederick County" These two Bills were Read and Assented to by this House and Ordered to be so Subscribed. The Paper Bills so Endorsed are sent to the Lower House by George Plater Esq

Adjourned until to Morrow Morning Ten of the Clock.

July 1

Thursday Morning 1.<sup>st</sup> July 1773.

The House met again according to Adjournment.

Present as yesterday.

Read the second Time in this House the Bill entitled "An Act for more effectually Preventing the Buying and Selling of Offices"; and will not Pass. So Endorsed and retained in this House.

Mess.<sup>rs</sup> Johnson, Beall, Thomas and Wright bring up a Bill entitled "An Act for amending the Staple of Tobacco and preventing Frauds in His Majestys Customs." Read the first and second Time in the Lower House, and will Pass, which was Read the first Time in this House and Ordered to lie on the Table.

Adjourned until three of the Clock in the Afternoon.

Eodem Die Post Meridiem.

The House met again according to Adjournment.

Present as in the Morning.

Mess.<sup>rs</sup> Deye and Ward bring up the two following Bills, Read the first and second Time in the Lower House and will Pass.

A Bill entitled "An Act confirming to James Kendricks of Baltimore County sundry Lands therein mentioned." A Bill entitled "An Act to empower Thomas Jett and William Bernard or either of them to sell and dispose of the Lands therein mentioned Pursuant to the directions of the last Will and Testament of John Morton Jordan

p. 674

Esquire Deceased." These two Bills were Read the first and second Time by an Especial Order in this House and will Pass. So Endorsed and sent by George Plater Esquire.

U. H. J.  
Liber No. 36  
July 1

Adjourned until to Morrow Morning Ten of the Clock.

Friday Morning 2.<sup>d</sup> July 1773.

July 2

The House met again according to Adjournment.

Present as Yesterday.

Read the Second Time in this House the Bill entitled "An Act for amending the Staple of Tobacco and Preventing Frauds in His Majestys Customs"; and will not Pass. So Endorsed and sent to the Lower House by Daniel of Saint Thomas Jenifer Esq

Read the Second Time in this House the Bill entitled "An Act for the better regulating Attachments," and will Pass. So Endorsed and sent to the Lower House by Daniel of Saint Thomas Jenifer Esquire.

Mess.<sup>rs</sup> Contee and Robins bring up a Bill entitled "An Act to enable the Representatives of Deceased Treasurers to Pay over the Ballances in their Hands." Read the first and Second Time in the Lower House and will Pass, which was Read the first and Second Time by an Especial Order in this House and will Pass. So Endorsed and sent to the Lower House by George Steuart Esq

Adjourned until three of the Clock in the Afternoon.

Eodem Die Post Meridiem.

The House met again according to Adjournment.

Present as in the Morning.

Mess.<sup>rs</sup> Johnson and Smallwood bring up a Bill entitled "An Act for the Sale of the Capital Bank Stock belonging to this Province." Read the first and second Time in the Lower House and will Pass, which was Read the first Time in this House and Ordered to lie on the Table.

Mess.<sup>rs</sup> Wootton and Sudler bring up the following Engrossed Bills Read and assented to by the Lower House of Assembly. p. 675

A Bill entitled "An Act to impower Thomas Jett and William Bernard or either of them, to sell and dispose of the Lands therein mentioned Pursuant to the Directions of the Last Will and Testament of John Morton Jordan Esquire Deceased."

A Bill entitled "An Act confirming to James Hendricks of Baltimore County sundry Lands therein mentioned."

A Bill entitled "An Act for the Relief of certain Prisoners in the several Jails therein mentioned."

U. H. J.  
Liber No. 36  
July 2

A Bill entitled "An Act for the better regulating Attachments."  
A Bill entitled "An Act to enable the Representatives of Deceased Treasurers to Pay over the Ballances in their Hands"

These Bills were Read and Assented to by this House, and Ordered to be so Subscribed; the Paper Bills so Endorsed are sent to the Lower House by John Ridout Esquire.

Ordered that the Clerk of this House receive the same Fees on all Private Bills Passed this Session as shall be Paid to the Clerk of the Lower House

Adjourned until to Morrow Morning Ten of the Clock.

July 3

Saturday Morning 3.<sup>d</sup> July 1773.

The House met again according to Adjournment.

Present as Yesterday.

Daniel of Saint Tho.<sup>s</sup> Jenifer and George Plater Esquires are sent to acquaint the Members of the Lower House, that His Excellency requires their Attendance in the Upper House immediately, to see the Bills passed this Session receive the Assent.

p. 676 The Lower House attend and by their Speaker present to His Excellency the following Bills.

A Bill entitled "An Act concerning Estates-tail and the Jurisdiction of the County Courts."

A Bill entitled "An Act to continue the Acts of Assembly therein mentioned."

A Bill entitled "An Act reviving and continuing an Act entitled An Act for amending and repairing the Publick Roads in Baltimore County."

A Bill entitled "An Act for the Enlargement of Baltimore Town."

A Bill entitled "An Act to prevent counterfeiting the Paper Money of other Colonies."

A Bill entitled "An Act to enable the Commissioners for Emitting Bills of Credit to provide Stationary for the use of the Upper and Lower Houses of Assembly."

A Bill entitled "An Act to continue the Acts therein mentioned."

A Bill entitled "An Act for the Relief of John M<sup>c</sup>Clure and others."

A Bill entitled "An Act to explain an Act relating to Leases made by the Rector Vestrymen and Church Wardens of Saint Annes Parish."

A Bill entitled "An Act for the Relief of the poor in Frederick County."



A Bill entitled "An Act to impower Thomas Jett and William Bernard or either of them to Sell and dispose of the Lands therein mentioned, pursuant to the Directions of the last Will and Testament of John Morton Jordan Esquire Deceased."

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A Bill entitled "An Act confirming to James Hendricks of Baltimore County sundry Lands therein mentioned."

A Bill entitled "An Act for the Relief of certain Prisoners in the several Jails therein mentioned."

A Bill entitled "An Act for the better regulating Attachments."

A Bill entitled "An Act to enable the Representatives of Deceased Treasurers to Pay over the Ballances in their Hands." p. 677

All which His Excellency passed into Laws in the usual form (except the Bill entitled "An Act to explain an Act relating to Leases made by the Rector Vestrymen and Church Wardens of Saint Annes Parish.") by Sealing them with the Right Honourable the Lord Proprietary his Great Seal at Arms and Subscribing them. On behalf of the Right Honourable the Lord Proprietary of this Province I Will this be a Law.

After which His Excellency was pleased to conclude this Session with the following Speech.

Gentlemen of the Upper and Lower Houses of Assembly,

It gives me pleasure to think that the Province will reap great Advantages from the Acts passed this Meeting

The absence of many Members, and the little Prospect of any further Benefits accruing from a continuance of the Session at this Season lay me under the Necessity of Proroguing this Assembly. By and with the Advice therefore of the Lord Proprietarys Council of State, I do prorogue this Assembly to Monday the Eleventh Day of October next and you will take Notice that you are prorogued accordingly

Thus Ends this Session of Assembly begun and held at the City of Annapolis on Tuesday the 15.<sup>th</sup> Day of June ending the third Day of July following, in the Second Year of the Dominion of the Right Honourable Henry Harford Esq<sup>r</sup> Anno Domini 1773.

U Scott Cl. Up. Ho.

# PROCEEDINGS

## OF THE

### LOWER HOUSE OF ASSEMBLY

L. H. J.      At a Session of Assembly begun and held at the City of Annapolis  
 Liber No. 54      on Tuesday the 15.<sup>th</sup> Day of June in the Year of our Lord One  
                   1773      thousand seven hundred and seventy three and in the second Year  
 June 15      of the Dominion of the Right Honourable Henry Harford Esq.<sup>r</sup>  
 p. 303      Absolute Lord and Proprietary of the Province of Maryland (his  
                   Excellency Robert Eden Esq.<sup>r</sup> being Governor) the following Dele-  
                   gates appeared in the Lower House of Assembly Viz.<sup>t</sup>

#### For Saint Mary's County

M.<sup>r</sup> Thomas Bond,  
 M.<sup>r</sup> Richard Barnes,  
 M.<sup>r</sup> Philip Key.

#### For Baltimore County

M.<sup>r</sup> Thomas Cockey Deye,  
 M.<sup>r</sup> Charles Ridgely.

#### For Kent County

M.<sup>r</sup> William Ringgold,  
 M.<sup>r</sup> John Maxwell,  
 M.<sup>r</sup> Emory Sudler.

#### For Prince George's County

M.<sup>r</sup> Robert Tyler,  
 M.<sup>r</sup> Thomas Contee,  
 M.<sup>r</sup> Joseph Sim.

#### For Ann Arundel County

M.<sup>r</sup> Brice Thomas Beale Worth-  
                   ington,  
 M.<sup>r</sup> Thomas Johnson jun.<sup>r</sup>  
 M.<sup>r</sup> Samuel Chase,  
 M.<sup>r</sup> John Hall.

#### For the City of Annapolis

M.<sup>r</sup> William Paca,  
 M.<sup>r</sup> Matthias Hammond.

#### For Calvert County

M.<sup>r</sup> Alexander Somerville,  
 M.<sup>r</sup> William Lyles,  
 M.<sup>r</sup> Richard Parran.

#### For Talbot County,

M.<sup>r</sup> Matthew Tilghman,  
 M.<sup>r</sup> James Lloyd Chamberlaine,  
 M.<sup>r</sup> Nicholas Thomas.

#### For Queen Anne's County

M.<sup>r</sup> Turbutt Wright,

#### For Charles County

M.<sup>r</sup> Josias Hawkins.

#### For Frederick County

M.<sup>r</sup> Thomas Sprigg Wootton,  
 M.<sup>r</sup> Charles Beatty,  
 M.<sup>r</sup> Jonathan Hagar,  
 M.<sup>r</sup> Henry Griffith.

#### For Dorchester County

M.<sup>r</sup> William Richardson.

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June 15

A sufficient Number of Delegates to compose a House being convened at the House prepared by M.<sup>r</sup> Joshua Frazier for the Use of the Public; M.<sup>r</sup> William Paca, a Delegate returned for the City of Annapolis, and M.<sup>r</sup> Nicholas Thomas, a Delegate returned for Talbot County, attended on his Excellency to acquaint him therewith.

Daniel of Saint Thomas Jenifer and George Plater Esq.<sup>rs</sup> of the Upper House, attended by Doctor Upton Scott, Clerk of the Upper House, came into the Lower House and the aforesaid Delegates took the several Oaths to the Government required by Law, signed the Oath of Abjuration, repeated and signed the Test in the Presence of the two Gentlemen of the Upper House.

Daniel of Saint Thomas Jenifer and George Plater Esq.<sup>rs</sup> from the Upper House acquaint the Members of this House that the Governor requires the Attendance of the Members of the Lower House immediately in the Upper House

The Members of the Lower House went to the Upper House. His Excellency required them to return to the Lower House and choose a Speaker. They returned, and unanimously made Choice of M.<sup>r</sup> Matthew Tilghman a Delegate returned for Talbot County to be their Speaker, and placed him in the Chair.

M.<sup>r</sup> John Hall and M.<sup>r</sup> Paca were sent to acquaint his Excellency that this House hath made Choice of a Speaker

George Steuart and William Fitzhugh Esquires from the Upper House acquaint the Members of this House that the Governor requires their Attendance in the Upper House to present their Speaker

The Members of the Lower House went to the Upper House and presented to the Governor M.<sup>r</sup> Matthew Tilghman as their Speaker. His Excellency approved the Choice and made the following Speech Viz.<sup>t</sup>

Gentlemen of the Upper and Lower Houses of Assembly

I am apprehensive that the Meeting of the General Assembly at this Time, may be rather inconvenient to your private Affairs, tho' after the unusual Length of your Recess occasioned by the Death of our late Lord Proprietary, and the peculiar State of this Province; in Consequence of that Event, you may perhaps deem it expedient to embrace this Opportunity of enacting such Laws, as may promote the general Welfare. I have already communicated (in publishing my Commission and issuing the Writs of Election for this Assembly) the Succession of M.<sup>r</sup> Harford to the Proprietaryship of this Province; I have the Honour to be continued Governor thereof, with his Majesty's most gracious Approbation of my Conduct heretofore, which I shall be supremely happy in meriting a Continuance of, as well as of the Confidence reposed in me by my Appointment; and you may be assured, Gentlemen, that it will ever be, as it always has been, my Wish, and Endeavour to promote the general Good of



L. H. J. Maryland, in which I am well assured, I shall be assisted by the  
 Liber No. 54 Concurrence, not only of the new Proprietary, but also of the  
 June 15 Guardians of his Minority.

M.<sup>r</sup> Speaker and Gentlemen of the Lower House,

If the Inconvenience of this Season be such, as that a Meeting at another, would be more agreeable to you, I will, upon being informed of your Inclinations, prorogue this Assembly to a Time more convenient to your private Affairs; but should you think proper to enter upon, and proceed in, a general Course of Business, I shall with the greatest Pleasure, attend the Duties of my Department, and most chearfully concur with you, Gentlemen of both Houses, in establishing such Acts of Assembly, as may be conducive to the publick Utility.

M.<sup>r</sup> Speaker with the rest of the Members returned to the Lower House.

M.<sup>r</sup> Speaker resumed the Chair

The House proceeded to choose a Clerk and unanimously made Choice of M.<sup>r</sup> John Duckett as their Clerk

Ordered, That M.<sup>r</sup> Key and M.<sup>r</sup> Hammond do acquaint his Excellency that this House hath made Choice of M.<sup>r</sup> John Duckett to be their Clerk and desire his Excellency's Approbation.

They return and acquaint M.<sup>r</sup> Speaker they delivered the Message and that his Excellency signified his Approbation

Ordered That M.<sup>r</sup> Thomas and M.<sup>r</sup> Turbutt Wright do go with M.<sup>r</sup> Duckett to the Upper House to see him qualified as Clerk of this House.

They return and acquaint M.<sup>r</sup> Speaker they saw him take the several Oaths to the Government, sign the Oath of Abjuration, repeat and sign the Test, and take the following Oath of Office Viz.<sup>t</sup> "You John Duckett do swear that as Clerk of the Lower House of Assembly, you shall true Entries make, of all such Matters and Things, as by the Honourable Speaker for the Time being, and that House, shall be to you directed. The Secrets of the said House you shall not divulge, to the Prejudice of the House, or any Member thereof; but shall in all Things, as Clerk to the said House, well and truly demean yourself according to the best of your Knowledge. So help you God"

Ordered, That his Excellency's Speech, a Copy of which having been delivered to M.<sup>r</sup> Speaker, be read; and it was read accordingly.

The House being informed that M.<sup>r</sup> Josias Beall, a Delegate returned for Prince George's County, was attending; Ordered, That M.<sup>r</sup> Sim and M.<sup>r</sup> Contee do go with that Gentlemen to the Upper House to [see] him qualified.

They return and acquaint M.<sup>r</sup> Speaker they saw him qualified in the usual Manner.

The Gentleman took his Seat in the House

The House appoint M.<sup>r</sup> Allen Quynn Serjeant at Arms, and M.<sup>r</sup> Robert Reynolds Doorkeeper Ordered, That they be qualified.

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June 15

The House adjourns till To Morrow Morning Nine O'Clock

Wednesday June 16.<sup>th</sup> 1773

June 16

The House met.

All Members present as on Yesterday.

The Proceedings of Yesterday were read.

The House being informed that M.<sup>r</sup> William Ward a Delegate returned for Cæcil County was attending; p. 305

Ordered That M.<sup>r</sup> Wootton and M.<sup>r</sup> Thomas do go with that Gentleman to the Upper House to see him qualified.

They return and acquaint M.<sup>r</sup> Speaker they saw him qualified in the usual Manner.

The Gentleman took his Seat in the House.

Resolved, That the Hours for sitting for Dispatch of the Public Business during this Session be from Nine O'Clock in the Morning until One in the Afternoon and from Three till Six

Ordered, That a Message be prepared to the Upper House acquainting [them] therewith

Ordered, That the following Rules be observed during this Session

1.<sup>st</sup> That no Member of the House use any reviling Speeches, or name any Member by his proper Name, but shall use some other Distinction, as, *The Gentlemen who spoke last*, or the like

2.<sup>d</sup> That no Member speak above once on any Debate, without License of the House declared by the Speaker; and, if two Persons or more, shall rise up together, the Speaker shall appoint who shall speak first; and no Member shall interrupt any other until the Gentleman speaking hath ended

3.<sup>d</sup> That none shall deliver his Opinion, or speak to any Bill or Debate, unless he shall stand up, and reverently direct his Speech to the Speaker.

4.<sup>th</sup> That every Bill proposed by the House shall be read two several Days before it is sent to the Upper House, and once after before it be ingrossed; and that between every Reading One Day shall be intermitted; and that in that Time the Bill shall be laid on the Table for the Perusal of all the Members, unless on very urgent Occasions, M.<sup>r</sup> Speaker, with the Consent of the House shall dispense therewith; and then One Bill, being read twice at one Sitting, shall be as sufficient as if read several Days, when so entered in the Clerk's Journal.

L. H. J. 5.<sup>th</sup> That no Person come into the House of Assembly, while  
 Liber No. 54 the same is sitting, with Sword or other Weapon, upon Penalty of  
 June 16 such fine as shall be imposed on them by the Speaker, at the Discretion of the House

6.<sup>th</sup> That if any Member, bound to attend this Assembly, shall be absent at the Hours and Place appointed, after the Speaker and Twelve of the Members are met, according to the Order for Sitting, shall be fined according to the Discretion of the Speaker, not exceeding five Shillings for any Offence, unless upon such Excuse as the Speaker shall admit of

7.<sup>th</sup> All Misdemeanours which shall happen in the House shall be censured or fined in the House

8.<sup>th</sup> That no Bill shall be read, a second Time during this Session, till all the Members in Town shall be called in, except on some Excuse to be admitted by the Speaker.

9.<sup>th</sup> That if any Member of this House do depart, without Leave from the Hon.<sup>ble</sup> Speaker and the House, such Member shall forfeit all his preceding Allowances; due to him for his Attendance that Session

The following Resolves Viz.<sup>t</sup>

Resolved by the House, That the Members, who shall be appointed as Members of the Committee of Aggrievances, have likewise the Character of a Committee for Courts of Justice; and that that Character, and the Duty of such Committee, be annexed to the said Committee of Aggrievances as a standing Part of their Duty: And that it be an Instruction to the said Committee of Courts of Justice, that they observe the Nature of all the Commissions to the several Courts of Judicature within this Province, and that they especially observe any Alterations that may at any Time happen, by accidental Omission or otherwise therein; and particularly relating to such Words therein, as require the several Judges and Justices to hear, try and determine, according to the Laws, Statutes, Ordinances, and reasonable Customs of *England* and of this Province, or to such other Words as have Relation thereto; and that they shall immediately make Report to the House of any Alteration that shall at any Time happen in such Commission; and likewise, to have Regard, as near as may be, to observe wherein they differ from the forms of the several Sorts of Commissions to the Judges and Justices in *England*; and also, to enquire and report, whether it appears that the several Magistrates in this Province have been duly qualified agreeable to Law

p. 306 Resolved also, That this Province is not under the Circumstances of a conquered Country, that if it were the present Christian Inhabitants thereof, would be in the Circumstances, not of the Conquered but of the Conqueror; it being a Colony of the *English* Nation, en-



couraged by the Crown to transplant themselves hither for the Sake of improving and enlarging its Dominions; which, by the Blessing of GOD, upon their Endeavours, at their own Expence, and Labour, has been in a great Measure obtained. And 'tis unanimously RESOLVED, That whosoever shall advance, that his Majesty's Subjects, by such their Endeavours and Success, have forfeited any Part of their *English* Liberties, are not Well wishers to the Country, and mistake its happy Constitution

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Resolved also, That if there be any Pretence of Conquest, it can be only supposed against the native *Indian* Infidels; which Supposition cannot be admitted, because the Christian Inhabitants purchased great Part of the Land they at first took up, from the Indians, as well as from the Lord Proprietary, and have ever since continued in an amicable Course of Trade with them; except some partial Outrages and Skirmishes which never amounted to a general War, much less to a general Conquest, the Indians yet enjoying their Rights and Privileges of Treaties and Trade with the *English*

Resolved further, That this Province hath always hitherto had the Common Law, and such general Statutes of *England*, as are securitative of the Rights and Liberties of the Subject, and such Acts of Assembly as were made in the Province to suit its particular Constitution, as the Rule and Standard of its Government and Judicature, such Acts of Assembly being subject to the like Rules of Common Law, or equitable Construction, as are used by the Judges in construing Statutes in *England*, were read and unanimously approved of

Ordered, That M.<sup>r</sup> Turbutt Wright, M.<sup>r</sup> Hammond, M.<sup>r</sup> Chase, M.<sup>r</sup> J. Hall and M.<sup>r</sup> Johnson be a Committee of Elections and Privileges

M.<sup>r</sup> Beall, M.<sup>r</sup> Tyler, M.<sup>r</sup> Worthington, M.<sup>r</sup> Johnson, M.<sup>r</sup> Chamberlaine, M.<sup>r</sup> Paca and M.<sup>r</sup> Thomas, a Committee of Grievances and Courts of Justice

M.<sup>r</sup> Chamberlaine, M.<sup>r</sup> Richardson, M.<sup>r</sup> Deye, M.<sup>r</sup> Contee, M.<sup>r</sup> Sim, and M.<sup>r</sup> Barnes a Committee of Accounts.

M.<sup>r</sup> Worthington, M.<sup>r</sup> Beall, M.<sup>r</sup> T. Wright, M.<sup>r</sup> Key, M.<sup>r</sup> Bond and M.<sup>r</sup> Sudler, a Committee to inspect the Office and Proceedings of the Commissioners for emitting Bills of Credit

Ordered, That a Message be prepared to the Upper House acquainting them therewith

Ordered, That M.<sup>r</sup> Tyler, M.<sup>r</sup> Thomas, M.<sup>r</sup> Hawkins, M.<sup>r</sup> Griffith, M.<sup>r</sup> Ridgely, M.<sup>r</sup> J. Hall, M.<sup>r</sup> Ringgold and M.<sup>r</sup> Wootton be a Committee to inspect into the several Public Offices and report to the House the State and Condition of them

The House appoint M.<sup>r</sup> Thomas Brooke Hodgkin and M.<sup>r</sup> John Courts Jones Committee Clerks.

Ordered, That they be qualified.

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The following Message Viz.<sup>t</sup>

By the Lower House of Assembly June 16.<sup>th</sup> 1773

May it please your Honours,

This House hath appointed from Nine O'Clock, in the Morning, until One, in the Afternoon, and from Three till Six, for its Sitting, every Day, during this Session, for the Dispatch of the Publick Business.

Signed by Order Jn.<sup>o</sup> Duckett Cl. Lo. Ho.

Was sent to the Upper House by M.<sup>r</sup> Wootton and M.<sup>r</sup> Ringgold  
The House adjourns till Three O'Clock

Post Meridiem

The House met &.<sup>ta</sup>

The House being informed That M.<sup>r</sup> Francis Ware, and M.<sup>r</sup> Robert Henly Courts, two Delegates returned for Charles County; and M.<sup>r</sup> Thomas White, a Delegate returned for Charles [Dorchester] County, were attending;

Ordered, That M.<sup>r</sup> Richardson and M.<sup>r</sup> Hawkins do go with those Gentlemen to the Upper House to see them qualified.

They return, and acquaint M.<sup>r</sup> Speaker, they saw them qualified in the usual Manner

The Gentlemen took their Seats in the House.

p. 307 Ordered, That the Governor's Speech be read a second Time; and its was read accordingly.

Ordered, That an Address be prepared in Answer thereto; and that M.<sup>r</sup> J. Hall, M.<sup>r</sup> Chase, M.<sup>r</sup> Paca, M.<sup>r</sup> Johnson, M.<sup>r</sup> Beall, M.<sup>r</sup> Thomas and M.<sup>r</sup> Chamberlaine do prepare and bring in the same.

The following Message Viz.<sup>t</sup>

By the Lower House of Assembly, June 16.<sup>th</sup> 1773

May it please your Honours

This House hath appointed Messieurs Worthington, Beall, T. Wright, Key, Bond, and Sudler, to join One or more of the Members of your House, as a Committee to inspect the Office and Proceedings of the Commissioners for emitting Bills of Credit.

Signed by Order Jn.<sup>o</sup> Duckett Cl. Lo. Ho.

Was sent to the Upper House by M.<sup>r</sup> Ward and M.<sup>r</sup> Griffith.

The following Certificates Viz.<sup>t</sup>

Ann Arundel County S.<sup>ct</sup>

I hereby certify that on the 16.<sup>th</sup> Day of June 1773 came Allen Quynn before me the Subscriber one of his Lordship's Justices of the Peace of the said County and took the several Oaths to the Government required by Law, repeated the Test, and subscribed the

same, and took the following Oath Viz.<sup>t</sup> "You Allen Quynn do swear, that you will faithfully, diligently and honestly discharge the Office of Serjeant at Arms to the Lower House of Assembly; and that you will not disclose or reveal the Secrets thereof So help You God"

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R Ghiselin

Ann Arundel County S.<sup>ct</sup>

I hereby certify that on the 16.<sup>th</sup> Day of June 1773 came Robert Reynolds before me the Subscriber, one of the Justices of the Peace of the said County and took the several Oaths to the Government required by Law; subscribed the Oath of Abjuration, repeated and signed the Test and took the following Oath Viz.<sup>t</sup> "You Robert Reynolds do swear, that you will faithfully, diligently and honestly discharge the Office of Doorkeeper to the Lower House of Assembly; and that you will not disclose or reveal the Secrets thereof So help You God"

R Ghiselin

Ann Arundel County S.<sup>ct</sup>

I hereby certify that on the 16.<sup>th</sup> Day of June 1773 came Thomas Brooke Hodgkin before me the Subscriber, one of the Justices of the Peace of the said County, and took the several Oaths to the Government required by Law, subscribed the Oath of Abjuration, repeated and signed the Test, and took the following Oath, to wit, "I Thomas Brooke Hodgkin do swear that I will true Entries make of all such Matters and Things as shall be to me directed by any Committee of the Lower House of Assembly for whom I shall act as Clerk, and that I will not divulge the Secrets of the said House, or of any Committee thereof, but will in all Things well and truly demean myself according to the best of my Skill and Knowledge. So help me God."

R Ghiselin

Ann Arundel County S.<sup>ct</sup>

I hereby certify, that on the 16.<sup>th</sup> Day of June 1773, came John Courts Jones before me the Subscriber, one of the Justices of the Peace of the said County, and took the several Oaths to the Government required by Law, subscribed the Oath of Abjuration, repeated and signed the Test, and took the following Oath Viz.<sup>t</sup> "I John Courts Jones do swear that I will true Entries make of all such Matters and Things as shall be to me directed by any Committee of the Lower House of Assembly for whom I shall act as Clerk, and that I will not divulge the Secrets of the said House, or of any Committee thereof, but will in all Things well and truly demean myself according to the best of my Skill and Knowledge"

W.<sup>m</sup> Steuart

Were read and ordered to be entered

The House adjourns till To Morrow Morning 9 O'Clock



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Thursday June 17.<sup>th</sup> 1773

The House met.

All Members present as on Yesterday.

The Proceedings of Yesterday were read.

The House being informed that M.<sup>r</sup> Solomon Wright, and M.<sup>r</sup> John Brown two Delegates returned for Queen Ann's County, were attending;

Ordered, That M.<sup>r</sup> Turbutt Wright and M.<sup>r</sup> Barnes do go with those Gentlemen to the Upper House to see them qualified.

They return and acquaint M.<sup>r</sup> Speaker they saw them qualified in the usual Manner.

The Gentlemen took their Seats in the House

Daniel Dulany Esq.<sup>r</sup> from the Upper House, delivers to M.<sup>r</sup> Speaker the following Message

By the Upper House of Assembly June 16.<sup>th</sup> 1773

Gentlemen,

This House hath appointed Benedict Calvert and Daniel of S.<sup>t</sup> Tho.<sup>s</sup> Jenifer Esq.<sup>rs</sup> to join the Members named by your House, in a Committee to inspect the Office and proceedings of the Commissioners for emitting Bills of Credit

Signed by Order U Scott Cl. Up. Ho.

Ordered, That the Sheriff of Ann Arundel County immediately attend at the Bar of this House, and produce to this House the Proclamation issued in the Name of his Excellency the Governor, and published by him as Sheriff of Ann Arundel County, notifying the Death of the late Lord Proprietor, and for the Dissolution of the late Assembly

Ordered, That the Clerk of this House do forthwith deliver to the Serjeant at Arms attending this House a Copy of the above Order

Ordered, That the Serjeant at Arms attending this House do forthwith serve the said Sheriff with a Copy of the above Order.

The House being informed that the Sheriff of Ann Arundel County was attending at the Door; Ordered That he be called in, and he appeared accordingly; and at the Bar presented to the House the above mentioned Proclamation

The said Sheriff was also ordered to deliver to the House the P[ro]clamacon notifying the Reappointment of Robert Eden Esq.<sup>r</sup> to the Government of this Province

Ordered, That the Clerk of this House do take Copies of the above Proclamation, and make them a part of these Proceedings.

Which he accordingly did and they follow in these Words Viz.<sup>t</sup>  
Maryland S.<sup>ct</sup>

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By his Excellency Robert Eden Esq.<sup>re</sup> Lieutenant General and Chief  
Governor in and over the Province of Maryland

A PROCLAMATION

Rob.<sup>t</sup> Eden { Whereas the Right Honourable Henry Harford Esq.<sup>r</sup>  
absolute Lord and Proprietary of the Province of Mary-  
land, by his Commission under his greater Seal at Arms bearing Date  
at London the second Day of March Anno Domini seventeen hundred  
and seventy three has with the Approbation of his most Sacred Maj-  
esty been pleased to constitute and appoint me the said Robert Eden  
Lieutenant General and Chief Governor of the Province of Mary-  
land; Which said Commission was this Day published in the Presence  
and Hearing of the Members of the Lord Proprietary's Council, and  
others the King's Subjects and Lord Proprietary's Tenants in this  
Province, at the City of Annapolis. I have therefore, by and with  
the Advice of the Lord Proprietary's Council of State thought fit to  
issue this my Proclamation, notifying the same to all Sheriffs, Mag-  
istrates, and others the Lord Proprietary's Officers in this Province.  
And I do further will and direct that all Officers civil and military,  
holding their several respective Offices by Virtue of Commissions in  
the Name of, or under the Authorities and Powers derived from the  
late Frederick Lord Baltimore, deceased, renew forthwith such Com-  
missions, under pain, on Omission thereof, of being removed or dis-  
charged, or their respective Commissions being superseded or deter-  
mined. Given at the City of Annapolis, this 29.<sup>th</sup> Day of April, in  
the thirteenth Year of the Reign of our Sovereign Lord George the  
third of Great Britain &. <sup>ta</sup> King, and in the Second Year of the  
Dominion of the Right Honourable Henry Harford Esq.<sup>r</sup> Anno  
Domini 1773.

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Signed by Order U Scott Cl Co.

Maryland s.<sup>ct</sup>

By his Excellency Robert Eden Esq.<sup>re</sup> Lieutenant General and Chief  
Governor in and over the Province of Maryland.

A PROCLAMATION

Whereas the present General Assembly of this Province stands  
prorogued to Tuesday the fifteenth Day of June next; And whereas  
I have received regular Notification of the Death of the Right  
Rob.<sup>t</sup> Eden { Honourable Frederick Lord Baltimore, late Lord Pro-  
prietary of this Province whereby the General Assembly  
thereof becomes dissolved; I have therefore thought fit with the  
Advice of the Lord Proprietary's Council of State to publish the

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same, and declare the said Assembly to be dissolved. And to the Intent that all Persons concerned may have due Notice thereof, I do hereby strictly charge and require the several Sheriffs of this Province to make this my Proclamation publick in their respective Counties in the usual Manner, as they will answer the Contrary at their Peril

Given at the City of Annapolis this 29.<sup>th</sup> Day of April, in the second Year of the Dominion of the Right Honourable Henry Harford Esq.<sup>r</sup> Anno Domini 1773

Signed by Order U Scott Cl Co.

On Motion, Ordered, That M.<sup>r</sup> So. Wright, M.<sup>r</sup> Beall and M.<sup>r</sup> Chase be a Committee to enquire what Laws will expire with the Close of this Session, and make Report thereof to the House

M.<sup>r</sup> Paca brings in and delivers to M.<sup>r</sup> Speaker an Address to his Excellency, which was read, approv'd and ordered to be ingrossed

M.<sup>r</sup> Chase brings in and delivers to M.<sup>r</sup> Speaker the following ingrossed Address.

To his Excellency Robert Eden Esquire Governor and Commander in Chief in and over the Province of Maryland.

The humble Address of the House of Delegates

May it please your Excellency,

We his Majesty's most dutiful and loyal Subjects, the Delegates of the Freemen of Maryland in Assembly convened, return your Excellency our Thanks for your Speech at the Opening of this Session.

A Meeting of the general Assembly at this Time is very inconvenient to the private Affairs of many of Us, but as your Excellency has thought proper to convene Us, the peculiar State of the Province has determined Us to proceed to Business. We shall make every Effort in our Power for the enacting such Laws as may promote the general Welfare; and whenever your Excellency is pleased to concur, you will as certainly obtain as merit the Thanks of a grateful People. It gives us a singular pleasure to be informed, that his Majesty has taken immediate Notice of the Affairs and Government of this Province, and we have the firmest Reliance, that the Conduct of the late Representatives, so generally agreeable to their Constituents, when fully known to the ffather of his People, cannot but meet with his Royal Approbation.

June 17.<sup>th</sup> 1773

Which was read and assented to and signed by Order of the House by the Honourable Speaker

The House adjourns till 3 O'Clock



Post Meridiem

The House met

L. H. J.  
Liber No. 54  
June 17

The House being informed that M.<sup>r</sup> John Veazy and M.<sup>r</sup> Stephen Hyland, two Delegates returned for Cecil County, were attending; Ordered, That M.<sup>r</sup> Ward and M.<sup>r</sup> Maxwell do go with those Gentlemen to the Upper House to see them qualified.

They return and acquaint M.<sup>r</sup> Speaker they saw them qualified in the usual Manner.

The Gentlemen took their Seats in the House.

Ordered, That M.<sup>r</sup> Contee and M.<sup>r</sup> Thomas do acquaint his Excellency that this House hath prepared an Address to be presented to him and desires to know when and where he will please to receive it?

They return and acquaint M.<sup>r</sup> Speaker the Governor signified he would receive the Address To Morrow Morning at Eleven O'Clock in the Room next adjoining the Council Chamber

The House adjourns till To Morrow Morning 9 O'Clock

Friday June 18.<sup>th</sup> 1773

June 18

The House met.

All Members present as on Yesterday.

The Proceedings of Yesterday were read.

The House being informed that M.<sup>r</sup> Robert Buchanan, a Delegate returned for Kent County, M.<sup>r</sup> Richard Tilghman Earle, a Delegate returned for Queen Ann's County, and M.<sup>r</sup> William Ennalls and M.<sup>r</sup> John Ennalls, two Delegates returned for Dorchester County were attending; Ordered, That M.<sup>r</sup> Richardson and M.<sup>r</sup> Sudler do go with those Gentlemen to the Upper House to see them qualified.

They return and acquaint M.<sup>r</sup> Speaker they saw them qualified in the usual Manner.

The Gentlemen took their Seats in the House.

M.<sup>r</sup> Ringgold hath Leave of Absence upon very urgent Business.

Ordered, That M.<sup>r</sup> Earle be added to the Committee of Accounts.

M.<sup>r</sup> Speaker communicates to the House a Letter from the Speaker of the House of Burgesses of Virginia, inclosing sundry Resolves entered into by that House respecting the State of the Colony. Also a Letter from the Speaker of the House of Deputies of Rhode Island, inclosing a Copy of sundry Resolves entered into by that House similar to those of the House of Burgesses of Virginia; and a Letter from Peyton Randolph, Ro. C. Nicholls and Charles Dudley Digges, inclosing an Act to prevent counterfeiting the Paper Money of other Colonies. All which were severally read and ordered to lie on the Table.

L. H. J.  
Liber No. 54  
June 18

Ordered, That M.<sup>r</sup> Paca, M.<sup>r</sup> Beall, M.<sup>r</sup> Chamberlaine, and M.<sup>r</sup> Thomas do present the ingrossed Address to his Excellency.

George Plater Esq.<sup>r</sup> from the Upper House delivers to M.<sup>r</sup> Speaker a Bill entitled An Act concerning Estates tail, and the Jurisdiction of the County Courts thus indorsed "By the Upper House of Assembly, June 17.<sup>th</sup> 1773. Read the first Time and ordered to lie on the Table.

Signed by Order U Scott Cl. Up. Ho.

By the Upper House of Assembly June 18.<sup>th</sup> 1773 Read the second Time and will pass

Signed by Order U Scott Cl Up Ho"

Which Bill was read here the first Time and ordered to lie on the Table

The House adjourns till 3 O'Clock

p. 311

Post Meridiem

The House met.

His Excellency communicates to M.<sup>r</sup> Speaker the following Message

M.<sup>r</sup> Speaker and Gentlemen of the Lower House,

I return you Thanks for your Address, and sincerely hope that the general Welfare may be promoted by prudent and salutary Laws. I am glad, Gentlemen, that his Majesty's immediate Notice of the Affairs and Government of this Province gives you Pleasure; and hope you will be particularly solicitous to merit his gracious Approbation.

Annapolis 18.<sup>th</sup> June 1773.

Rob.<sup>t</sup> Eden

Which was read

On Motion, the Question was put, that the following Question, Viz. That Leave be given to bring in a Bill for amending the Staple of Tobacco, and for preventing ffrauds in his Majesty's Customs, be now put? Resolved in the Negative.

#### For the Negative

Mess. <sup>rs</sup>	Bond,	Ware,	Chamberlaine,
	Maxwell,	Courts,	Thomas,
	Sudler,	Richardson,	T. Wright,
	Buchanan,	White,	So. Wright,
	Worthington,	W. Ennalls,	Brown,
	J. Hall,	J. Ennalls,	Earle,
	Somerwell,	Ward,	Wootton,
	Lyles,	Veazy,	Beatty,
	Parran,	Hyland,	Hagar.
	Hawkins,	Hammond,	

## For the Affirmative

Mess.<sup>rs</sup>  
Barnes,  
Key,  
Johnson,  
Chase,

Ridgely,  
Deye,  
Beall,  
Tyler,

Contee,  
Sim,  
Paca,  
Griffith.

[12]

L. H. J.  
Liber No. 54  
June 18

On Motion, Resolved, That this House will, To Morrow Morning, go into a Committee of the whole House, to consider the State of the Clergy in this Province.

The House adjourns till To Morrow Morning 9'Clock

Saturday, June 19.<sup>th</sup> 1773

June 19

The House met.

All Members present as on Yesterday except M.<sup>r</sup> Ringgold.

The Proceedings of Yesterday were read

The House being informed, that M.<sup>r</sup> Walter Tolley jun.<sup>r</sup>, a Delegate returned for Baltimore County, and M.<sup>r</sup> Joseph Gilpin, a Delegate returned for Cæcil County, were attending; Ordered, That M.<sup>r</sup> Ridgely and M.<sup>r</sup> Ward do go with those Gentlemen to the Upper House to see them qualified.

They return and acquaint M.<sup>r</sup> Speaker they saw them qualified in the usual Manner.

The Gentlemen took their Seats in the House.

M.<sup>r</sup> Ridgely hath Leave of Absence till Monday Morning 10 O'Clock

The Order of the Day being read, the House resolved itself into a Committee of the whole House; and after some Time spent therein, M.<sup>r</sup> Speaker resumed the Chair; and M.<sup>r</sup> Worthington, Chairman of the said Committee, made the following Report.

Resolved, nemine contradicente, That it is the Opinion of this Committee, that an Act, entitled, "An Act for the Establishment of Religious Worship in this Province according to the Church of England, and for the Maintenance of Ministers," was not enacted by legal and Constitutional Authority, and is therefore void.

Resolved, nemine contradicente, That it is the Opinion of this Committee, that Provision be made for the Support of the Clergy of the Church of England in this Province, upon the Principle of Equality, in Imitation of that which has long prevailed in his Majesty's Colony of Virginia

Which was read, and the House concurs therewith

On Motion, Ordered, That Leave be given to bring in a Bill for the Independency of the Justices, the Enlargement of the County

p. 312



L. H. J. Court Jurisdiction in Cases of Equity, and the Authority of Deputy  
Liber No. 54 Commissaries; and that M.<sup>r</sup> Paca, M.<sup>r</sup> Hammond, M.<sup>r</sup> Chamber-  
June 19 laine, M.<sup>r</sup> Beall, M.<sup>r</sup> Bond, M.<sup>r</sup> Chase, and M.<sup>r</sup> Wootton do prepare  
and bring in the same

The House adjourns till 3 O'Clock

Post Meridiem

The House met.

The following Estimate Viz.<sup>t</sup>

The Stadt House Copper Covering in Account with Charles  
Wallace the Undertaker. 1773

D.<sup>r</sup>

To 21,043 Square ffeet of Copper, at 1. <sup>d</sup> /2 Lib. per ffoot, making 31,565 Libs Copper, at 1/2½St. <sup>g</sup>	} 1907.. 1..2½
p Pound .....	
To 10 p Cent Charges of Importation.....	190..14..1½
To the supposed Difference between laying on the Copper and Slate Roof.....	} 100.. 0..0
	£2197..15..4

C.<sup>r</sup>

By 10,000 Lib Lead to cover with Slate, @ 19/ p C. <sup>t</sup> .	95.. 0..0
By 180 Squares Slate to cover with, at 20/.....	180.. 0..0
By 10 p Cent Charges of Importation.....	27..10..0
By Balance in Case of Covering with Copper.....	1895.. 5..4
	£2197..15..4

Note, That the above Copper is calculated on a Supposition that  
it may be had from Bristol, but if it should not, the London Price  
for Copper of the same Thickness is 1/3½ p Pound having been  
laid before this House relative to the Publick Building, and the  
House being satisfied that the Slate Cover contracted for would  
not answer the Purpose intended, the Question was put, Whether  
'tis the Opinion of this House the said Publick Building be covered  
with Copper or Shingles? Resolved it be covered with Shingles.

For Shingles

Mess. <sup>rs</sup>	Buchanan,	Ware,	Deye,
	Maxwell,	Courts,	Tolley,
	Sudler,	Richardson,	Hammond,
	Worthington,	White,	Chamberlaine,

Mess. <sup>rs</sup>	Chase,	W. Ennalls,	T. Wright,	L. H. J. Liber No. 54 June 19
	Hall,	J. Ennalls,	Hagar,	
	Somervell,	Ward,	Griffith.	
	Parran,	Veazy,	[25]	
	Hawkins,	Hyland,		

For Copper

Mess. <sup>rs</sup>	Bond,	Gilpin,	Brown,
	Barnes,	Beall,	Earle,
	Key,	Tyler,	Wootton,
	Johnson,	Paca,	Beatty.
			[12]

The House adjourns till Monday Morning 9 O'Clock

Monday June 21.<sup>st</sup> 1773

June 21

The House met.

All Members present as on Saturday.

The Proceedings of Saturday were read

The House being informed that M.<sup>r</sup> Samuel Wilson, a Delegate returned for Somerset County, M.<sup>r</sup> Edward Lloyd, a Delegate returned for Talbot County, M.<sup>r</sup> Nehemiah Holland, M.<sup>r</sup> John Purnell Robins and M.<sup>r</sup> William Purnell three Delegates returned for Worcester County, and M.<sup>r</sup> John Weems [Jr. ?], a Delegate returned for Calvert County, were attending; Ordered, That M.<sup>r</sup> Earle and M.<sup>r</sup> Barnes do go with those Gentlemen to the Upper House to see them qualified. They return and acquaint M.<sup>r</sup> Speaker they saw them qualified in the usual Manner.

The Gentlemen took their Seats in the House.

M.<sup>r</sup> Solomon Wright brings in and delivers to M.<sup>r</sup> Speaker the following Report

By the Committee appointed to enquire what Laws will expire at the Close of this Session, p. 313

June 19.<sup>th</sup> 1773

Your Committee find, that the following Acts of Assembly will expire at the Close of this Session, if not continued, Viz.

An Act for the Relief of such Persons as cannot find Surety for their Appearance to testify as a Witness against any Person arrested, accused, or presented, for any Criminal Matter, passed at June Session, 1752

An Act to enable the several and respective County Clerks within this Province to remove some of the County Records and Papers from the Publick Offices, passed May Session, 1748

L. H. J.  
Liber No. 54  
June 21

An Act for the more effectual Punishment of Negroes and other Slaves, and for taking away the Benefit of Clergy from certain Offenders, and a Supplementary Act to An Act, entitled, An Act to prevent the tumultuous Meeting, and other Irregularities of Negroes and other Slaves, and directing the Manner of trying Slaves, passed at May Session, 1751.

A Supplementary Act to an Act, entitled, An Act laying an Imposition on Negroes and several Sorts of Liquors imported, and also on Irish Servants, to prevent the importing too great a Number of Irish Papists into this Province, passed March Session, 1734.

An Act to make the Testimony of convicted Persons legal against convicted Persons, passed May Session, 1751.

An Act for the more effectual Punishment of certain Offenders, and for taking from them the Benefit of Clergy, passed April Session, 1737.

An Additional and explanatory Act to the Act, entitled, An Act empowering the Commissioners of the County Courts to levy and raise Tobacco to defray the necessary Charges of their Counties and Parishes, passed May Session, 1748

An Act relating to Guardians and Orphans, passed March Session 1758

An Act to prevent certain Evils and Inconveniences attending the Sale of strong Liquors and running of Horse Races near the yearly Meetings of the People called Quakers, and to prevent the tumultuous Concourse of Negroes and other Slaves during the said Meetings, made at a Session of Assembly begun and held at the City of Annapolis, the sixteenth Day of May, One thousand seven hundred and forty seven. And also one other Act of Assembly of this Province, entitled, An Act to amend and explain an Act, entitled, An Act, to prevent certain Evils and Inconveniences attending the Sale of Strong Liquors, and running of Horse Races near the yearly Meetings of the People called Quakers, and to prevent the tumultuous Concourse of Negroes and other Slaves during the said Meetings, passed June Session, 1752.

An Act to exempt Persons appearing at Musters from Arrests in civil Cases, passed at May Session, 1748.

An Act for Punishment of Horse Stealers and other Offenders, passed at May Session, 1744.

An Act for destroying Wolves in Frederick County, passed at May Session, 1751.

An additional Supplementary Act to the Act, entitled, An Act relating to Servants and Slaves, passed at May Session, 1748.

An Act to ease the Inhabitants of this Province, and to empower the Justices of the several Counties to bind out the Persons therein mentioned Apprentices, passed at November Session, 1766.



A Supplementary Act to the Act, entitled, An Act ascertaining what Damages shall be allowed upon protested Bills of Exchange, passed at November Session, 1765. L. H. J.  
Liber No. 54  
June 21

An Act to oblige infected Ships and other Vessels coming into this Province to perform Quarantine, passed November Session, 1766.

An Act for amending and repairing the publick Roads in Baltimore County, passed at November Session 1766.

An Act for licensing Ordinary Keepers, Hawkers, Pedlars and Petty Chapmen, passed at May Session, 1768.

Signed p Order John C. Jones Cl Com.

Which was read.

Ordered, That M.<sup>r</sup> Chase, M.<sup>r</sup> Beall, and M.<sup>r</sup> So. Wright do p. 314  
prepare and bring in a Bill to continue all the above Laws, except the Act against running Horse Races at Quaker Meetings &<sup>ta</sup>

Ordered, That M.<sup>r</sup> Johnson, M.<sup>r</sup> J. Hall, M.<sup>r</sup> Chamberlaine, M.<sup>r</sup> Thomas, and M.<sup>r</sup> So. Wright, do prepare and bring in a Bill on the Subject of the above excepted Act

On Motion, M.<sup>r</sup> Wilson is added to the Committee appointed to inspect the Office and Proceedings of the Commissioners for emitting Bills of Credit

On Motion, Ordered, That Leave be given to bring in a Bill to prevent the Sale of publick Offices; and that M.<sup>r</sup> J. Hall, M.<sup>r</sup> Johnson, M.<sup>r</sup> Thomas, and M.<sup>r</sup> So. Wright, do prepare and bring in the same.

On Motion, Ordered, That the Committee appointed to inspect the publick Offices do enquire what fees are taken or charged in each Office, and by what Authority they are so taken & charged

On Motion, Ordered, That M.<sup>r</sup> Buchanan be added to the said Committee

On Motion, Ordered, That Leave be given to bring in a Bill to regulate Attachments; and that M.<sup>r</sup> Johnson, M.<sup>r</sup> Chase, M.<sup>r</sup> Wilson, M.<sup>r</sup> J. Hall, M.<sup>r</sup> Paca, M.<sup>r</sup> So. Wright, and M.<sup>r</sup> Thomas, do prepare and bring in the same.

On Motion, Resolved, That this House will, To Morrow Morning, take into Consideration the State of the Laws passed last Session of Assembly.

The House appoint M.<sup>r</sup> S.<sup>t</sup> George Peale, M.<sup>r</sup> Thomas Maddox, and M.<sup>r</sup> Robert Wright, Clerks to the several Committees.

Ordered, That they be qualified

The House adjourns till 3 O'Clock

L. H. J.  
Liber No. 54  
June 21

Post Meridiem

The House met.

M.<sup>r</sup> Ringgold appeared in the House

The Bill, entitled, An Act concerning Estates-tail and the Jurisdiction of the County Courts was read a second Time, and the Question was put, That Amendments be proposed to the Upper House?

Resolved in the Negative.

For the Negative

Mess. <sup>rs</sup>	Bond,	Courts,	Chamberlaine,
	Barnes,	Ward,	Thomas,
	Key,	Veazy,	Lloyd,
	Buchanan,	Hyland,	T. Wright,
	Ringgold,	Gilpin,	Brown,
	Maxwell,	Richardson,	Earle,
	Sudler,	White,	Holland,
	Worthington,	W. Ennalls,	Robins,
	J. Hall,	J. Ennalls,	Purnell,
	Somervell,	Ridgely,	Wootton,
	Lyles,	Deye,	Beatty,
	Parran,	Tolley,	Hagar,
	Weems,	Beall,	Griffith.
	Hawkins,	Contee,	[43]
	Ware,	Sim,	

For the Affirmative

Mess. <sup>rs</sup>	Wilson,	Tyler,	So. Wright.
	Johnson,	Paca,	[7]
	Chase,	Hammond,	

The Bill was then put to its Passage, and the Question was put, That the said Bill do pass?

Resolved in the Affirmative

For the Affirmative

Mess. <sup>rs</sup>	Bond,	Courts,	Paca,
	Barnes,	Richardson,	Hammond,
	Key,	White,	Chamberlaine,
	Buchanan,	W. Ennalls,	Thomas,
	Ringgold,	J. Ennalls,	Lloyd,
	Maxwell,	Ward,	T. Wright,
	Sudler,	Veazy,	So. Wright,
	Worthington,	Hyland,	Brown,
	J. Hall,	Gilpin,	Earle,

Mess. <sup>rs</sup>	Wilson,	Ridgely,	Holland,	L. H. J. Liber No. 54 June 21
	Somervell,	Deye,	Robins,	
	Lyles,	Tolley,	Purnell,	
	Parran,	Beall,	Wootton,	
	Weems,	Tyler,	Beatty,	
	Hawkins,	Contee,	Hagar,	
	Ware,	Sim,	Griffith.	

[48]

For the Negative

M.<sup>r</sup> Johnson

[1]

The said Bill was then indorsed, "Read the second Time and will pass" and sent to the Upper House by M.<sup>r</sup> Hall and M.<sup>r</sup> Lloyd p. 315

On Motion, Ordered, That M.<sup>r</sup> Lloyd be added to the Committee appointed to prepare and bring in the Bill for the Establishment of Religious Worship in this Province, for the Maintenance of the Clergy, and other Purposes therein mentioned. The following Certificates, Viz

I hereby certify that on the twenty first Day of June seventeen hundred and seventy three, came Saint George Peale before me the Subscriber, One of the Justices of the Peace for the said County, and took the several Oaths to the Government required by Law, subscribed the Oath of Abjuration, repeated and signed the Test, and took the following Oath, Viz. "I Saint George Peale do swear, that I will true Entries make of all such Matters and Things as shall be to me directed by any Committee of the Lower House of Assembly for whom I shall act as Clerk, and that I will not divulge the Secrets of the said House, or of any Committee thereof, but will in all Things well and truly demean myself according to the best of my Skill and Knowledge"

Ann Arundel County

R Ghiselin

Ann Arundel County, S.<sup>ct</sup>

I hereby certify that on the twenty first Day of June seventeen hundred and seventy three, came Thomas Maddox before me the Subscriber, one of the Justices of the Peace for the said County, and took the several Oaths to the Government required by Law, subscribed the Oath of Abjuration, repeated and signed the Test, and took the following Oath Viz. "I Thomas Maddox do swear, that I will true Entries make of all such Matters and Things as shall be to me directed by any Committee of the Lower House of Assembly for whom I shall act as Clerk, and that I will not divulge the Secrets of the said House, nor of any Committee thereof, but will in all Things well and truly demean myself, according to the best of my Skill and Knowledge."

R Ghiselin



L. H. J.  
Liber No. 54  
June 21

Ann Arundel County S.<sup>ct</sup>

I hereby certify that on the twenty first Day of June, seventeen hundred and seventy three, came Robert Wright before me the Subscriber, one of the Justices of the Peace for the said County, and took the several Oaths to the Government required by Law, subscribed the Oath of Abjuration, repeated and signed the Test, and took the following Oath, Viz "I Robert Wright do swear, that I will true Entries make of all such Matters and Things as shall be to me directed by any Committee of the Lower House of Assembly for whom I shall act as Clerk, and that I will not divulge the Secrets of the said House, nor of any Committee thereof, but will in all Things well and truly demean myself, according to the best of my Skill and Knowledge"

R Ghiselin

Were severally read and ordered to be entered

On Motion, Ordered, That Leave be given to bring in a Bill for the further Emission of Bills of Credit, and for other Purposes therein mentioned; and that M.<sup>r</sup> Wootton, M.<sup>r</sup> Paca, M.<sup>r</sup> Wilson, M.<sup>r</sup> Johnson, M.<sup>r</sup> Hall, and M.<sup>r</sup> Chase, do prepare and bring in the same

The House adjourns till To-Morrow Morning 9 O'Clock

June 22

Tuesday June 22.<sup>nd</sup> 1773

The House met.

All Members present as on Yesterday.

The Proceedings were read.

On Motion, Ordered, That the Order of the Day for taking into Consideration the State of the Laws passed last Session of Assembly be read, and the same was read accordingly

Resolved, That this House will now take the same into Consideration

p. 316 Ordered, That an Act of Assembly of this Province, entitled, An Act for the Continuation of Actions and securing the Peace and good Government of this Province, made at a Session of Assembly, held the 7.<sup>th</sup> Day of December 1751, be read, and it was read accordingly.

Ordered, That the Titles of the several Acts passed last Session of Assembly be read; and they were read accordingly.

On taking the same into Consideration, and it appearing that the late Lord Proprietary died in the Month of September, preceding the last Session of Assembly, begun and held the second Day of October 1771 whereby the general Assembly of this Province became and was dissolved; it is therefore Ordered, That a Bill be

brought in to aid and make valid in Law the several Acts of Assembly passed last Session of Assembly, except An Act, entitled, An Additional Supplementary Act to the Act entitled, An Act for the Establishment of Religious Worship in this Province according to the Church of England, and for the Maintenance of Ministers, and, An Act entitled, a Supplementary Act to the Act entitled, An Act for the Building a Parish Church in Christ Church Parish in Calvert County and that M.<sup>r</sup> Johnson M.<sup>r</sup> Chase M.<sup>r</sup> J Hall M.<sup>r</sup> Paca and M.<sup>r</sup> Sim do prepare and bring in the same.

L. H. J.  
Liber No. 54  
June 22

His Excellency communicates to M.<sup>r</sup> Speaker the following Message.

Gentlemen of the Lower House of Assembly,

I had the Honour some Time ago of receiving a Letter from his Excellency the Earl of Dunmore, Governor of Virginia, informing me, that, at the last Meeting of the Virginia Assembly, an Act was passed by the Legislature of that Colony, to prevent the Counterfeiting the Paper Money of the other Colonies, a Copy of which his Lordship, by Desire of the Virginia Assembly, transmitted to me, requesting me to recommend it to the Assembly of this Province, to pass an Act similar to the same; and as I am persuaded the so doing will greatly contribute to the Security of those Colonies that are under a Necessity of adopting a Paper Currency, I hope you will take the same under your immediate Consideration, and in those Hopes I herewith inclose you a Copy of the above mentioned Act.

22.<sup>d</sup> June 1773.

Rob.<sup>t</sup> Eden

Which was read and ordered to lie on the Table.

William Hayward, Esq. from the Upper House delivers to M.<sup>r</sup> Speaker a Petition of the Trustees for the Poor of Frederick County, praying that an Act may pass to empower the Justices of said County to levy, at next November Court, a Quantity of Tobacco sufficient to produce the Sum of £725..7..9½, it being the Ballance due from the said Trustees to several Creditors respecting the Poor House of said County. A Petition of the Rector and Vestrymen of Christ-Church Parish in Calvert County, praying an Act may pass, empowering the Justices of Calvert County, at their November Court to be held this present Year, to levy and assess, upon the taxable Inhabitants of Christ-Church Parish in the County aforesaid, the Quantity of 22,422 lb Tobacco, to finish building a Church in the said Parish. A Petition of the Trustees of Anne-Arundel County. A Petition for a School at the Cool Springs. A Petition of Philip Love, praying a Present may be made him for Services by him done during the last War. And a Petition of sundry Inhabitants of Frederick County, praying for certain Roads to be made in the said County. Severally indorsed, "By the Upper House of Assembly, p. 317

L. H. J.     June 22.<sup>d</sup> 1773     Read and referred to the Consideration of the  
Liber No. 54     Lower House of Assembly  
June 22

Signed by Order, U. Scott, Cl. Up. Ho."

Which said Petitions were severally read here the first Time and  
ordered to lie on the Table

The House adjourns till 3 OClock

Post Meridiem

The House met.

His Excellency communicates to M.<sup>r</sup> Speaker the following Mes-  
sage.

Gentlemen of the Lower House of Assembly,

I am informed, that the Executor of the late Treasurer of the  
Western Shore hath in his Hands a considerable Sum of Money  
due to the Publick Schools, that many of them are in great Want  
of their Dividends, and have requested Payment, but that the  
Executor, though desirous to pay, is advised he cannot do it legally.

A long Delay of Payment may be very injurious to the Schools,  
and I submit it to you, Gentlemen, to make such legal Provision  
as may effectually prevent this Inconvenience in Future

22.<sup>d</sup> June, 1773

Rob.<sup>t</sup> Eden.

Which was read and ordered to lie on the Table.

The House being informed that M.<sup>r</sup> William Smallwood, a Dele-  
gate returned for Charles County, was attending; Ordered that M.<sup>r</sup>  
Ware and M.<sup>r</sup> Hawkins do go with that Gentlemen to the Upper  
House to see him qualified.

They return and acquaint M.<sup>r</sup> Speaker they saw him qualified in  
the usual Manner.

The Gentleman took his Seat in the House.

The Petition of Samuel Litten and the Petition of Alexander  
Cumming which stood referred from October Session 1771, to  
the second Tuesday in the next Session, were again referred for  
Consideration to Morrow Morning.

M.<sup>r</sup> Chase brings in and delivers to M.<sup>r</sup> Speaker, a Bill entitled,  
An Act for more effectually preventing the Buying and selling of  
Offices. Which was read the first Time and ordered to lie on the  
Table.

The House adjourns till to Morrow Morning 9 OClock.



Wednesday June 23.<sup>d</sup> 1773

L. H. J.  
Liber No. 54  
June 23

The House met.

All Members present as on Yesterday.

The Proceedings of Yesterday were read.

The House being informed, that M.<sup>r</sup> Peter Chaille, a Delegate returned for Worcester County and M.<sup>r</sup> Peter Waters, a Delegate returned for Somerset County, were attending, Ordered, that M.<sup>r</sup> Wilson and M.<sup>r</sup> Robins do go with those Gentlemen to the Upper House to see them qualified.

They return and acquaint M.<sup>r</sup> Speaker they saw them qualified in the usual Manner.

The Gentlemen took their Seats in the House.

Agreeable to Order of Yesterday, the House took into Consideration the Petition of Alexander Cumming, and the Report made thereon, and ordered, that the Sum of eighty Pounds common Current Money be allowed to the Executors of Philip Hammond the Mortgagee for the Damage done the Houses &c. mentioned in the said Petition. p. 318

Ordered that M.<sup>r</sup> Paca, M.<sup>r</sup> Johnson, and M.<sup>r</sup> Wilson do prepare and bring in a Bill pursuant to the Allowance made by the House on the said Petition.

On the Prayer of Samuel Litten, his Petition is withdrawn.

On Motion, Ordered, That Leave be given to bring in a Bill for amending the Staple of Tobacco, and for preventing Frauds in his Majesty's Customs; and that M.<sup>r</sup> Wilson, M.<sup>r</sup> Johnson, M.<sup>r</sup> Chase, M.<sup>r</sup> Paca, M.<sup>r</sup> Beall, M.<sup>r</sup> Lloyd, M.<sup>r</sup> Thomas, M.<sup>r</sup> Sim, M.<sup>r</sup> Barnes, M.<sup>r</sup> Smallwood, and M.<sup>r</sup> Contee, do prepare and bring in the same

On Motion, Ordered, That Leave be given to bring in a Bill for reviving and continuing an Act, entitled An Act for amending and repairing the publick Roads in Baltimore County, and that M.<sup>r</sup> Ridgely, M.<sup>r</sup> Deye, and M.<sup>r</sup> Tolly, do prepare and bring in the same.

William Fitzhugh, Esq., from the Upper House, delivers to M.<sup>r</sup> Speaker the Paper Bill entitled, An Act concerning Estates Tail and the Jurisdiction of the County Courts; thus indorsed "By the Upper House of Assembly June 21.<sup>st</sup> 1773. Read the third Time and ordered to be ingrossed

Signed by Order, U. Scott Cl. Up. Ho."

Also the ingrossed Bill thereof, thus indorsed, "By the Upper House of Assembly June 23.<sup>d</sup> 1773. Read and assented to.

Signed by Order, U. Scott, Cl. Up. Ho."

Which said ingrossed Bill was read here and assented to.

Daniel of S.<sup>t</sup> Thomas Jenifer, Esq. from the Upper House, delivers to M.<sup>r</sup> Speaker the Petitions of sundry languishing Pris-

L. H. J. oners in the several County Jails in this Province; thus indorsed;  
 Liber No. 54 "By the Upper House of Assembly, June 23.<sup>d</sup> 1773. Read the  
 June 23 Petitions of the several Prisoners, whereof there is a List within,  
 and referred the same to the Consideration of the Lower House  
 of Assembly.

Signed by Order, U. Scott, Cl. Up. Ho."

Which were read here the first Time and ordered to lie on the Table.

George Steuart, Esq., from the Upper House, delivers to M.<sup>r</sup> Speaker a Petition of Lodowick Davis, of Frederick County, praying Relief in a Deed of Bargain and Sale from the Petitioner to a certain Thomas Davis, thus indorsed; "By the Upper House of Assembly, June 23.<sup>d</sup> 1773. Read and referred to the Consideration of the Lower House of Assembly.

Signed by Order, U. Scott, Cl. Up. Ho."

Which was read here the first Time and ordered to lie on the Table.  
 The House adjourns till 3 O'Clock.

p. 319

Post Meridiem.

The House met.

On Motion, Ordered, That the Petition of Lodowick Davis be read a second Time, and the same was read accordingly. Ordered, That the said Petition be referred to the Consideration of a Committee, and that they do examine the Matter thereof, and report the same as it shall appear to them to the House. And M.<sup>r</sup> Griffith, M.<sup>r</sup> Beatty, M.<sup>r</sup> Wootton, M.<sup>r</sup> Hagar, and M.<sup>r</sup> Beall, are appointed a Committee accordingly, and they have Power to send for Persons, Papers and Records.

M.<sup>r</sup> Paca brings in and delivers to M.<sup>r</sup> Speaker a Bill, entitled, An Act for the Independency of the Justices, the Enlargement of the County Court Jurisdiction in Cases of Equity, and the Authority of the Deputy Commissaries. Which was read the first Time and ordered to lie on the Table.

On Motion, Ordered, That Leave be given to bring in a Bill to ease the People of this Province from trivial Suits in the County Courts; and that M.<sup>r</sup> Wootton, M.<sup>r</sup> Ridgely, M.<sup>r</sup> Deye, M.<sup>r</sup> Hagar, M.<sup>r</sup> Beatty, M.<sup>r</sup> Griffith, M.<sup>r</sup> Hammond, M.<sup>r</sup> J. Hall, M.<sup>r</sup> Gilpin and M.<sup>r</sup> White, do prepare and bring in the same.

On Motion, Ordered, That Leave be given to bring in a Bill for the Regulation of Officers Fees, and that M.<sup>r</sup> Paca, M.<sup>r</sup> Johnson, M.<sup>r</sup> W. Ennalls, M.<sup>r</sup> Sim, M.<sup>r</sup> Smallwood M.<sup>r</sup> Beall, M.<sup>r</sup> J. Hall, M.<sup>r</sup> Chase, M.<sup>r</sup> Lloyd, and M.<sup>r</sup> So. Wright, do prepare and bring in the same.

The House adjourns till To-morrow Morning 9 O'Clock

Thursday, June 24.<sup>th</sup> 1773

L. H. J.  
Liber No. 54  
June 24

The House met.

All Members present as on Yesterday.

The Proceedings of Yesterday were read.

M.<sup>r</sup> J. Hall brings in and delivers to M.<sup>r</sup> Speaker, a Bill, entitled, An Act for the Establishment of Religious Worship in this Province, for the Maintenance of the Clergy, and other Purposes therein mentioned. Which was read the first Time and ordered to lie on the Table.

The Paper Bill, N.<sup>o</sup> 1 was sent to the Upper House by M.<sup>r</sup> W. Ennalls and M.<sup>r</sup> Smallwood.

M.<sup>r</sup> Beall brings in and delivers to M.<sup>r</sup> Speaker, a Bill, entitled, An Act to continue the Acts of Assembly therein mentioned. Which was read the first and second Time by an especial Order, passed, and sent to the Upper House by M.<sup>r</sup> Thomas and M.<sup>r</sup> J. Ennalls.

M.<sup>r</sup> Tolley brings in and delivers to M.<sup>r</sup> Speaker, a Bill, entitled, An Act reviving and continuing an Act, entitled, An Act for amending and repairing the Publick Roads in Baltimore County. Which was read the first and second Time by an especial Order, passed, and sent to the Upper House by M.<sup>r</sup> Tolly and M.<sup>r</sup> Ridgely. p. 320

M.<sup>r</sup> Tyler brings in and delivers to M.<sup>r</sup> Speaker the following Report.

By the Committee appointed to examine the State and Condition of the several publick Offices.

Your Committee have examined the State and Condition of the several publick Offices, and find that the old Record Books in the several Offices remain in the same bad State as has been several Times reported to your Honourable House.

Your Committee also find, that since October Session, 1771, the following Record Books are added in the said Offices, Viz.<sup>t</sup>

In the Land Office B.C. and G.S. N.<sup>o</sup> 44 containing Patents.  
45 Certificates  
46 Patents

In the Commissary's Office W.D. N.<sup>o</sup> 2, 3, and 4, containing Wills  
W.D. 17, 18, 19 and 20 Inventories.  
W.D. 11, Accounts  
E.V. 2, Balances

And that the Proceedings in the said Offices are recorded and examined up to the present Year, except the Judgments in the Provincial Court, which are only entered up to October Term 1766.

In Obedience to the Order of your Honourable House, your Committee applied to Reverdy Ghiselin, Clerk of the Provincial Court, Elie Vallette, Register of the Commissary's Office, James Brooks,

L. H. J. Register in Chancery, and William Steuart, Clerk of the Land Office,  
 Liber No. 54 and requested them to inform your Committee what Fees are taken  
 June 24 or charged in the said Offices, and by what Authority they are so  
 taken, to which your Committee obtained Answers in Writing which  
 are hereto annexed.

All which is submitted to the Consideration of the Honourable  
 House

Signed by Order, Tho.<sup>s</sup> Brooke Hodgkin, Cl. Com.

To the Gentlemen of the Lower House appointed a Committee  
 to inspect the publick Offices.

Gentlemen,

Whilst the late Inspection Law was in Force, the Fees in the  
 Secretary's Office were charged according to the Directions of that  
 Law. Ever since that Law fell the Lawyers practising in the Pro-  
 vincial Court have ordered Executions comprehending the Costs.  
 By the Honourable Judges of the Provincial Court, I was directed  
 p. 321 to make out the Costs according to the said Rates, and I have been  
 ordered and directed by the Secretary to charge the Fees of the said  
 Office according to the said Rates, with this Difference, that they  
 who make Tobacco and they who do not make Tobacco may choose  
 to pay in Tobacco, or in Money after the Rate of 12/6 per 100<sup>th</sup>  
 Tobacco; and in this Manner the Fees of the Secretary's Office  
 have been charged to the Suitors.

I am, Gentlemen, your most obedient

humble Servant

Annapolis, 22.<sup>d</sup> June, 1773.

R Ghiselin,

Gentlemen,

In due Compliance with your Directions to me, I beg Leave to  
 inform you, that in Pursuance of the Directions of the Commissary  
 General, I have continued to charge the Fees due to him, since the  
 Expiration of the late Inspection Law, according to the Table of  
 Fees settled by that Law, whilst it remained in Force; with the  
 Alternative to the People, to pay, either in Tobacco, or in Money  
 at twelve Shillings and six Pence for every hundred Pound of  
 Tobacco.

I'am, Gentlemen,

To the Honourable the	}	Your most obedient Humble Servant
Committee appointed to		Elie Vallette, Register of
inspect the Publick Offices		the Prerogative Office

Annapolis the 22.<sup>d</sup> June, 1773

Gentlemen,

Whilst the late Inspection Law was in Force, the Fees in the  
 Chancery Office were charged according to the Directions of that



Law; from the Time the said Law expired, the Fees have been charged for each Service according to the Limitation and Allowance of the Rates prescribed by the said Law; with this Difference, that Planters, as well as those who are not makers of Tobacco, have been, and still are, left to choose, whether they will pay in Tobacco, or in Money after the Rate of 12/6 Common Money for One hundred Pounds of Tobacco, and I have in this Manner charged Fees in the Chancery Office by the Order and Direction of the Secretary.

L. H. J.  
Liber No. 54  
June 24

To the Gentlemen of the  
Lower House appointed  
a Committee to inspect  
the publick Offices

I am, Gentlemen, very respectfully,  
Your most obedient Humble Servant,  
James Brooks.

Gentlemen,

In Obedience to your Requisition of Yesterday, I beg Leave to inform you, that I have charged the Fees of the Land Office agreeable to the Regulation of the late Inspection Law, computing the Value of Tobacco at twelve Shillings and six Pence common Currency for every Hundred Weight; and this I have done by Order of the Judges.

To the Gentlemen of the  
Lower House appointed a  
Committee to inspect the  
publick Offices.

I am, Gentlemen, with respect,  
Your Obedient humble Servant,  
William Steuart, Register.

June 23.<sup>d</sup> 1773

Which was read and ordered to lie on the Table.

p. 322

On Motion, Ordered, That the Governor's first Message of the 22.<sup>d</sup> June be read, and the same was read accordingly.

Ordered, That a Bill be brought in to prevent counterfeiting the Paper Money of other Colonies, and that M.<sup>r</sup> J Hall, M.<sup>r</sup> Paca, M.<sup>r</sup> Key, and M.<sup>r</sup> Tolly, do prepare and bring in the same.

On Motion, Ordered, That the Governor's second Message of same Date be read; and the same was read accordingly.

On Motion, Ordered, That Leave be given to bring in a Bill to enable Representatives of deceased Treasurers to pay over the Balances in their Hands to the succeeding Treasurers; and that M.<sup>r</sup> J. Hall, M.<sup>r</sup> Thomas, M.<sup>r</sup> Contee, M.<sup>r</sup> Johnson, and M.<sup>r</sup> Richardson do prepare and bring in the same.

On Motion, Ordered, That M.<sup>r</sup> Paca, M.<sup>r</sup> Thomas, and M.<sup>r</sup> Wilson, do prepare an Address to his Excellency in Answer to his two Messages of the 22.<sup>d</sup> Instant.

John Ridout, Esq., from the Upper House, delivers to M.<sup>r</sup> Speaker sundry Prisoners Petitions, thus indorsed; "By the Upper House of Assembly June 24.<sup>th</sup> 1773. Read and referred to the Consideration of the Lower House of Assembly the Petitions of the following

L. H. J. languishing Prisoners, Viz.<sup>t</sup> Wor. County, Ezekiel Hutchins, Moses  
 Liber No. 54 Magee, John Bowin, Abel Right, Robert Hopkins, Thomas Pierson,  
 June 24 Boston Ale— Talbot, Joseph Floyd, Baltimore, Charles Babbington.

Signed by Order, U Scott Cl. Up. Ho.”

A Petition of the Rector and Vestrymen, Churchwardens &c. of all Saints Parish in Calvert County, praying an Act may pass, to levy on the taxable Inhabitants of the said Parish, by three equal Assessments, a Quantity of Tobacco not exceeding Two Hundred Thousand Pounds, together with the Sheriff’s Sallary for collecting the same, to purchase a Piece of Ground adjoining to the present Church Yard on which to build a Parish Church.

A Petition of Samuel Litten, praying Leave to bring in a Bill to remedy the Defect in not recording a Deed from James Litten.

And, a Petition of sundry Inhabitants of Baltimore Town and Fell’s Point, praying Leave to bring in a Bill to unite Baltimore Town and Fell’s Point. Severally indorsed “By the Upper House of Assembly, June 24.<sup>th</sup> 1773. Read and referred to the Consideration of the Lower House of Assembly.

Signed by Order, U Scott, Cl. Up. Ho.”

The House adjourns till 3 O’Clock.

Post Meridiem.

The House met.

The Petition of sundry Inhabitants of Baltimore Town and Fell’s Point was read a first and second Time, and Leave given to the Petitioners to bring in a Bill pursuant to the Prayer of the said Petition.

p. 323 The Petition of Samuel Litten was read a first and second Time, and Leave given to the Petitioner to bring in a Bill pursuant to the Prayer of the said Petition.

M.<sup>r</sup> Hagar and M.<sup>r</sup> White have Leave of Absence.

The Petition of the Rector and Vestrymen of All Saints Parish, &c. was read, and referred to the 8.<sup>th</sup> Day in next Session of Assembly.

The Petition of the Trustees of the Poor of Frederick County was read a second Time and granted, and Leave given to bring in a Bill pursuant to the Prayer of the said Petition.

Ordered That M.<sup>r</sup> Wootton, M.<sup>r</sup> Beatty, M.<sup>r</sup> Hagar, and M.<sup>r</sup> Griffith, do prepare and bring in the same.

Benedict Calvert, Esq., from the Upper House, delivers to M.<sup>r</sup> Speaker the Bill, entitled, An Act to continue the Acts of Assembly therein mentioned, thus indorsed; “By the Upper House of As-

sembly, June 24.<sup>th</sup> 1773. Read the first Time and ordered to lie on the Table.

L. H. J.  
Liber No. 54  
June 24

Signed by Order, U. Scott, Cl. Up. Ho."

"By the Upper House of Assembly, June 24.<sup>th</sup> P. M. 1773. Read the second Time and will pass.

Signed by Order, U. Scott, Cl. Up. Ho."

Which Bill was read here and passed for ingrossing.

The Prisoners Petitions, brought in this Morning by John Ridout Esq., were severally read the first Time and ordered to lie on the Table.

M.<sup>r</sup> Chase bring in and delivers to M.<sup>r</sup> Speaker, a Bill, entitled, An Act to aid and make valid in Law the several Acts therein mentioned. Which was read the first and second Time by an especial Order, passed, and sent to the Upper House by M.<sup>r</sup> Weems and M.<sup>r</sup> Turbutt Wright.

M.<sup>r</sup> Turbutt Wright hath Leave of Absence till Monday next.

The Petition of the Rector and Vestrymen, &c. of Christ Church-Parish in Calvert County was read a second Time, and referred to the second Wednesday in next Session of Assembly.

The House adjourns till to Morrow Morning 9 OClock

Fryday June 25.<sup>th</sup> 1773.

June 25

The House met.

All Members present as on Yesterday, except M.<sup>r</sup> Hagar, M.<sup>r</sup> White, M.<sup>r</sup> T. Wright, and M.<sup>r</sup> Buchanan.

The Proceedings of Yesterday were read.

The House being informed that M.<sup>r</sup> Aquila Hall, a Delegate returned for Baltimore County was attending;

Ordered, That M.<sup>r</sup> Deye and M.<sup>r</sup> Tolly do go with that Gentleman to the Upper House to see him qualified.

They return and acquaint M.<sup>r</sup> Speaker they saw him qualified in the Usual Manner.

The Gentleman took his Seat in the House.

William Hayward Esq, from the Upper House, delivers to M.<sup>r</sup> Speaker the Bill, entitled, An Act reviving and continuing An Act, entitled An Act for amending and repairing the publick Roads in Baltimore County; thus indorsed, "By the Upper House of Assembly, June 24, 1773. Read the first and second Time by an Especial Order, and will pass.

Signed by Order, U. Scott Cl. Up. Ho."

Which was read here and passed for ingrossing.

L. H. J.  
Liber No. 54  
June 25

M.<sup>r</sup> Griffith brings in and delivers to M.<sup>r</sup> Speaker the following Report.

By the Committee appointed to enquire into and state the Facts set forth in the Petition of Lodowick Davis of Frederick County.

p. 324 Your Committee, in Obedience to the Order of the Honourable House, have examined into the Facts set forth, in the above Petition, and find them true as to the Deed and Release, from attested Copies thereof; and it also appears by Copy of a Bond produced to your Committee, bearing Date the 30.<sup>th</sup> Day of October 1767, in the penal Sum of Two hundred and twenty Pounds Currency, conditioned for the said Lodowick Davis his making over and conveying unto a certain Samuel Mount (of the Colony of Virginia, Farmer) his Heirs or Assigns, the said two Parcels of Land, and the Information of one your Committee, that the said Lands were sold, and that the Consideration Money was paid to Thomas Davis, mentioned in the Petition, by the said Mount, and the same two Parcels of Land now possessed, under, and in Virtue of such Sale, and from Information by some of your Committee, it appears the said Thomas Davis has removed out of this Province, and resides on what is generally called Redstone Settlements. All which is humbly submitted to the Consideration of the honourable House.

Signed by Order, John Courts Jones, Cl. Com.

Which was read, and Leave given to the Petitioner to bring in a Bill pursuant to the Prayer of his Petition.

On Motion, Ordered, that Leave be given to bring in a Bill to revive and aid the Proceedings of Cæcil County Court; and that M.<sup>r</sup> Veazy, M.<sup>r</sup> Ward, M.<sup>r</sup> Hyland, M.<sup>r</sup> Gilpin, and M.<sup>r</sup> Thomas, do prepare and bring in the same.

M.<sup>r</sup> Paca brings in and delivers to M.<sup>r</sup> Speaker an Address to his Excellency, which was read, approved, and ordered to be ingrossed.

M.<sup>r</sup> Key brings in and delivers to M.<sup>r</sup> Speaker, a Bill, entitled, An Act to prevent counterfeiting the Paper Money of other Colonies, Which was read the first Time and ordered to lie on the Table.

M.<sup>r</sup> Wilson brings in and delivers to M.<sup>r</sup> Speaker the following ingrossed Address, Viz.

To his Excellency Robert Eden, Esquire, Governor and Commander in Chief in and over the Province of Maryland.

The humble Address of the House of Delegates.

May it please your Excellency,

We have taken into Consideration the several Matters which your Excellency was pleased to recommend to us in your Messages of the 22.<sup>d</sup> Instant. We agree in Sentiment with your Excellency, that a legal Provision is requisite to prevent the Mischiefs suggested, and



have therefore directed Bills to be brought in for that Purpose. June 25.<sup>th</sup> 1773. L. H. J. Liber No. 54 June 25

Which was read and assented to, and signed by Order of the House by the Honourable Speaker.

Ordered, That M.<sup>r</sup> Earle and M.<sup>r</sup> Key do acquaint his Excellency, that this House hath prepared an Address to be presented to him, and desires to know when and where he will please to receive it. They return and acquaint M.<sup>r</sup> Speaker, the Governor signified he he would receive the Address immediately in the Council Chamber.

Ordered, That M.<sup>r</sup> W Ennalls, and M.<sup>r</sup> Contee do present the Address to his Excellency.

They return and acquaint M.<sup>r</sup> Speaker they delivered the Address.

On Motion, Ordered, That Leave be given to bring in a Bill concerning Provincial Grand Jurors, and that M.<sup>r</sup> Wilson, M.<sup>r</sup> Beall, and M.<sup>r</sup> Johnson, do prepare and bring in the same.

M.<sup>r</sup> Wootton brings in and delivers to M.<sup>r</sup> Speaker a Bill, entitled, An Act to ease the People of this Province from trivial Suits in the County Courts. Which was read the first Time and ordered to lie on the Table.

Daniel of St Thomas Jenifer, Esq., from the Upper House delivers to M.<sup>r</sup> Speaker the Bill, entitled, An Act to aid and make valid in Law the several Acts therein mentioned; thus indorsed; "By the Upper House of Assembly, June 24.<sup>th</sup> 1773. Read the first Time and ordered to lie on the Table.

Signed by Order, U. Scott, Cl. Up. Ho."

"By the Upper House of Assembly, June 25.<sup>th</sup> 1773. Read the second Time and will not pass.

Signed by Order, U. Scott, Cl. Up. Ho."

On Progression in reading a second Time the Bill, entitled, An Act for the Establishment of religious Worship in this Province, for the Maintenance of the Clergy, and other Purposes therein mentioned, the Question was put, That the Sum of 32,000 lb of Tobacco, payable at 12/6 per Cent. exclusive of a Glebe, be the annual Sum allowed to each Clergyman in this Province? Resolved in the Affirmative. p. 325

For the Affirmative

Mess. <sup>rs</sup>	Ringgold,	A. Hall,	Earle,
	Worthington,	Ward,	Holland,
	J. Hall,	Veazy,	Robins,
	Lyles,	Hyland,	Purnell,
	Weems,	Gilpin,	Chaille,
	Courts,	Beall,	Wootton,
	Ridgely,	Contee,	Beatty,
	Deye,	Sim,	Griffith.
	Tolly,	Waters,	

L. H. J.  
Liber No. 54  
June 25

## For the Negative

Mess. <sup>rs</sup>	Bond,	Parran,	Hammond,
	Barnes,	Hawkins,	Wilson,
	Key,	Ware,	Chamberlaine,
	Maxwell,	Smallwood,	Thomas,
	Sudler,	Richardson,	Lloyd,
	Johnson,	W. Ennalls,	Brown,
	Chase,	J. Ennalls,	So. Wright.
	Somerville,	Paca,	

[23]

The House adjourns till 3 O'Clock

## Post Meridiem

The House met.

The Bill, entitled, An Act for the Establishment of religious Worship &c. was read throughout, and the Question was put, that the said Bill do pass? Resolved in the Affirmative.

## For the Affirmative

Mess. <sup>rs</sup>	Bond,	Richardson,	Waters,
	Barnes,	W. Ennalls,	Chamberlaine,
	Key,	Tolly,	Thomas,
	Ringgold,	A. Hall,	Brown,
	Maxwell,	Ward,	So. Wright,
	Worthington,	Veazy,	Earle,
	Johnson,	Hyland,	Holland,
	J. Hall,	Beall,	Robins,
	Lyles,	Tyler,	Purnell,
	Parran,	Contee,	Chaille,
	Weems,	Sim,	Wootton,
	Courts,	Hammond,	Beatty,
	Smallwood,	Wilson,	Griffith.

[39]

## For the Negative

Mess. <sup>rs</sup>	Sudler,	Hawkins,	Ridgely,
	Somerville,	Ware,	Deye.

[6]

The said Bill was sent to the Upper House by M.<sup>r</sup> Hall, M.<sup>r</sup> Beall, M.<sup>r</sup> Smallwood, M.<sup>r</sup> W. Ennalls, and M.<sup>r</sup> Chamberlaine.

John Ridout Esq., from the Upper House, delivers to M.<sup>r</sup> Speaker a Petition of the Vestry and Churchwardens of S.<sup>t</sup> Michael's Parish in Talbot and Queen Anns Counties. A Petition for a Workhouse in S.<sup>t</sup> Mary's County. And, a Petition of John M<sup>c</sup>Clure, John Boyd, Nathaniel Smith, and Robert Henderson, of Baltimore County. Sev-

erally indorsed, "By the Upper House of Assembly, June 25.<sup>th</sup> 1773. Read and referred to the Consideration of the Lower House of Assembly.

L. H. J.  
Liber No. 54  
June 25

Signed by Order, U. Scott Cl. Up. Ho."

M.<sup>r</sup> Ward brings in and delivers to M.<sup>r</sup> Speaker a Bill, entitled, An Act to revive and aid the Proceedings of Cæcil County Court Which was read the first and second Time by an especial Order, passed, and sent to the Upper House by M.<sup>r</sup> Ward, and M.<sup>r</sup> Hyland

On Motion, Ordered, That Leave be given to bring in a Bill to enable the Undertaker of the Building the State House, to cover the same with Shingles; and that M.<sup>r</sup> Johnson, M.<sup>r</sup> Paca, and M.<sup>r</sup> J Hall, do prepare and bring in the same.

M.<sup>r</sup> Ridgely brings in and delivers to M.<sup>r</sup> Speaker a Bill, entitled, An Act for the Enlargement of Baltimore Town. Which was read the first Time and ordered to lie on the Table.

M.<sup>r</sup> Sudler hath Leave of Absence till Monday next.

William Hayward, Esq., from the Upper House delivers to M.<sup>r</sup> Speaker a Petition of the Vestrymen and Churchwardens of S.<sup>t</sup> Ann's Parish. Which was read the first Time and ordered to lie on the Table.

M.<sup>r</sup> Wilson brings in and delivers to M.<sup>r</sup> Speaker a Bill, entitled, An Act to enable the Commissioners for emitting Bills of Credit, to pay the Executor of Philip Hammond, deceased, the Sum of Money therein mentioned. Which was read the first Time and ordered to lie on the Table.

The House adjourns till to Morrow Morning 9 OClock.

Saturday June 26.<sup>th</sup> 1773.

June 26  
p. 326

The House met.

All Members present as on Yesterday except M.<sup>r</sup> Sudler, and M.<sup>r</sup> Lloyd.

The Proceedings of Yesterday were read.

M.<sup>r</sup> Weems hath Leave of Absence.

On Motion, Ordered, That no new Business be moved for after twelve O'Clock this Day.

On Motion, Ordered, That no new Claims be received against the Publick after this Day, and that the Journal of Accounts be closed this Day.

On Motion, Ordered, That Leave be given to bring in a Bill to enable the Commissioners for emitting Bills of Credit to provide Stationary for the Use of the Province; and that M.<sup>r</sup> Beall, M.<sup>r</sup> Paca, and M.<sup>r</sup> Earle, do prepare and bring in the same.

L. H. J.  
Liber No. 54  
June 26

On Motion, Ordered, That Leave be given to bring in a Bill to continue an Act, entitled, An Act to continue the Act therein mentioned, and a supplementary Act thereto; and that M.<sup>r</sup> Thomas, M.<sup>r</sup> Chamberlaine and Chase, do prepare and bring in the same.

M.<sup>r</sup> Wilson brings in and delivers to M.<sup>r</sup> Speaker a Bill concerning Provincial Grand Jurors. Which was read the first and second Time by an especial Order, and will pass.

The Bill, entitled, An Act for more effectually preventing the buying and selling of Offices, was read a second Time, passed, and sent to the Upper House by M.<sup>r</sup> Smallwood, and M.<sup>r</sup> Sim.

M.<sup>r</sup> Johnson brings in and delivers to M.<sup>r</sup> Speaker a Bill, entitled, An Act to enable the Undertaker for building the State-House to cover the same with Shingles. Which was read the first Time and ordered to lie on the Table.

M.<sup>r</sup> Hammond brings in and delivers to M.<sup>r</sup> Speaker the following Report.

By the Committee of Elections and Privileges, June 22.<sup>d</sup> 1773.

Your Committee having inspected the Writs directed to the several Sheriffs for electing Deputies and Delegates to serve in this Assembly, and the Returns of the said Writs, do find, That Mess.<sup>rs</sup> Josias Beall, Robert Tyler, Joseph Sim, and Thomas Contee, Delegates of Prince George's County, are duly returned. That Mess.<sup>rs</sup> Alexander Somervell, John Weems, Jun.<sup>r</sup> William Lyles, and Richard Parran, Delegates of Calvert County are duly returned. That Mess. William Ennalls, John Ennalls, Thomas White, and William Richardson, Delegates of Dorchester County, are duly returned. That Mess. Robert Buchanan, William Ringgold, John Maxwell, and Emory Sudler, Delegates of Kent County, are duly returned. That Mess. Solomon Wright, Richard Tilghman Earle, John Brown, and Turbutt Wright, Delegates of Queen Anns County, are duly returned. That Mess.<sup>rs</sup> William Paca, and Mathias Hammond, Delegates of the City of Annapolis, are duly returned. That Mess. Samuel Chase, Thomas Johnson, Jun. Brice Thomas Beale Worthington, and John Hall, Delegates of Ann Arundel County, are duly returned. That Mess. Charles Ridgely, Thomas Cockey Deye, Aquila Hall and Walter Tolly, Jun. Delegates of Baltimore County, are duly returned. That Mess. Littleton Dennis, Levin Gale, Samuel Wilson, and Peter Waters Delegates of Somerset County, are duly returned. That Mess. Mathew Tilghman, James Lloyd Chamberlaine, Nicholas Thomas, and Edward Lloyd, Delegates of Talbot County, are duly returned, except an Omission of the Indorsement on the Writ of the Execution thereof. That Mess. Peter Chaille, William Purnell, John Purnell Robins, and Nehemiah Holland, Delegates of Worcester County, are duly returned, except an Omission of the Indorsement on the Writ of the Execution thereof. That Mess. John Reeder,



Philip Key, Richard Barnes, and Thomas Bond, Delegates of St. Mary's County, are duly returned, except an Omission of the Indorsement on the Writ of the Execution thereof. That Mess. Francis Ware, Robert Henly Courts, Josias Hawkins, and William Smallwood, Delegates of Charles County, are duly returned though the Indentures are informal. That Mess. John Veazy, William Ward, Joseph Gilpin, and Stephen Hyland, Delegates of Cæcil County, are duly returned, except an Omission of the Indorsement on the Writ of the Execution thereof, and that the Indentures are of a very unusual Form. That Mess. Thomas Sprigg Wootton, Charles Beatty, Jonathan Hagar, and Henry Griffith, Delegates of Frederick County, are duly returned.

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June 26

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Your Committee beg Leave to report to the Honourable House, That Jonathan Hagar, a Member returned for Frederick County, is not a natural born Subject; nor descended from one and that the said Jonathan Hagar was naturalized agreeable to the Statute 13.<sup>th</sup> George 2.<sup>d</sup>, and long before the said Election, and is the same Person who was returned a Delegate for Frederick County to the late General Assembly, October Session, 1771, and by the late Lower House voted and declared to be ineligible for that Cause.

All which is submitted to the Consideration of this Honourable House.

Signed by Order, John Courts Jones, Cl. Com.

Which was read and the House concurs therewith, except that Part relative to M.<sup>r</sup> Jonathan Hagar.

Ordered, That that Part be referred for Consideration on the third Day of the next Session of Assembly.

Ordered, That the Clerk of this House do give M.<sup>r</sup> Hagar Notice thereof.

The ingrossed Bills, N.<sup>o</sup> 2, 3, were sent to the Upper House, with the Paper Bills thereof by M.<sup>r</sup> Ware and M.<sup>r</sup> Hyland.

On Motion, Ordered, That the Sheriff of Charles County do attend at the Bar of this House on the fourth Day of next Session, in Order to explain his Return of Delegates for that County, and that the Clerk of this House do give him Notice thereof.

Ordered, That the Sheriff of Cæcil County do immediately attend at the Bar of this House, to explain his Return of Delegates for that County, and that he be served with a Copy of this Order, by the Serjeant at Arms attending this House. The said Sheriff accordingly appeared, and was directed by the Chair, by Order of the House, to alter his Return so as to make it conformable to the Usual Manner of making Returns. Which he accordingly did, and was then discharged upon paying the Fees due to the Officers of this House.

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Liber No. 54  
June 26

The Bill, entitled, An Act for the Independency of the Justices, the Enlargement of the County Court Jurisdiction in Cases of Equity, and the Authority of the Deputy Commissaries, The Bill, entitled, An Act to enable the Commissioners for emitting Bills of Credit to pay the Executor of Philip Hammond the Sum of Money therein mentioned; and, the Bill, entitled, An Act to prevent counterfeiting the Paper Money of other Colonies; were severally read a second Time, passed, and sent to the Upper House by M.<sup>r</sup> Paca, and M.<sup>r</sup> Gilpin.

George Steuart, Esq. from the Upper House, delivers to M.<sup>r</sup> Speaker the Bill, entitled, An Act for the Establishment of religious Worship in this Province, for the Maintenance of the Clergy, and other Purposes therein mentioned, thus indorsed, "By the Upper House of Assembly, June 26.<sup>th</sup> 1773. Read the first Time and will not pass.

Signed by Order, U. Scott, Cl. Up. Ho."

And the following Message.

By the Upper House of Assembly, June 26.<sup>th</sup> 1773.

Gentlemen,

We think it ought to be adopted "in all well grounded Christian States," as an inviolable Principle, to preserve religiously the publick Faith, and to observe with the utmost Strickness the Duties of Justice, and have therefore returned with our Negative your Bill, to which you have given the Title, "An Act for the Establishment of religious Worship in this Province, for the Maintenance of the Clergy and other Purposes therein mentioned," for we are of Opinion that the Act of Assembly, entitled, "An Act for the Establishment of religious Worship in this Province according to the Church of England, and for the Maintenance of Ministers," passed at a Session of Assembly, begun and held at the City of Annapolis in this Province of Maryland on the sixteenth Day of March, Seventeen Hundred and One-Two, was "enacted by legal and constitutional Authority," and therefore is in full Force and Virtue. If upon a disputation, and mature Consideration, you should not deem it improper at this Time, when Suits are depending on the Validity of the Act of 1701-2, for either or both Houses to publish their Sentiments on the Question, as they may tend to influence the Determinations of the Courts, we shall be ready to enter into a full Discussion of the Subject, on your Communication to us of the Reasons which may have induced you to entertain the Opinion, that the "Act of 1701-2 was not enacted by legal and constitutional Authority, and is therefore void."

We are not only persuaded that the declared Foundation of your Bill is entirely defective, but also that the Provisions of it, aiming

to establish an Equality in the respective Incomes of the Ministers, would, if admitted, impose an unequal [tax] on the People, and oppressive on such, as reside in some of the smaller Parishes, as well as damp the emulous Exertions of Merit which the Hopes of Preferment are wont to animate.

L. H. J.  
Liber No. 54  
June 26

Signed by Order, U. Scott, Cl. Up. Ho.

Which was read and ordered to lie on the Table.

Daniel Dulany Esq., from the Upper House, delivers to M.<sup>r</sup> Speaker, the Paper Bills, N.<sup>o</sup> 2, 3, severally indorsed, "By the Upper House, June 26, 1773. The ingrossed Bill, whereof this is the Original, read and assented to.

Signed by Order, U. Scott, Cl. Up. Ho."

The House adjourns till 3 O'Clock.

Post Meridiem

The House met.

On Progression in reading the Bill to ease the People of this Province from trivial Suits in the County Courts, the Question was put, that the Magistrate who writes and issues a Warrant be paid for his Trouble? Resolved in the Affirmative.

For the Affirmative

Mess. <sup>rs</sup>	Bond,	Courts,	Holland,
	Barnes,	J. Ennalls,	Purnell,
	Worthington,	Ridgely,	Chaille,
	Chase,	Deye,	Wootton,
	J. Hall,	Gilpin,	Beatty,
	Lyles,	Beall,	Griffith.
	Parran,	Hammond,	
	Ware,	Waters,	[22]

For the Negative

Mess. <sup>rs</sup>	Key,	Richardson,	Wilson,
	Ringgold,	W. Ennalls,	Chamberlaine,
	Maxwell,	Tolly,	Thomas,
	Johnson,	A Hall,	Brown,
	Somervelle,	Ward,	So. Wright,
	Hawkins,	Veazy,	Earle,
	Smallwood,	Hyland,	Robins. [21]

The Bill was then read throughout, and the Question was put, That the said Bill do pass? Resolved in the Affirmative.

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June 26

## For the Affirmative

Mess. <sup>rs</sup>	Bond,	Richardson,	Wilson,
	Barnes,	W. Ennalls,	Waters,
	Key,	J. Ennalls,	Chamberlaine,
	Maxwell,	Ridgely,	Thomas,
	Worthington,	Deye,	Brown,
	J. Hall,	Tolly,	Earle,
	Somervelle,	Aq. Hall,	Holland,
	Lyles,	Ward,	Robins,
	Parran,	Veazy,	Purnell,
	Hawkins,	Hyland,	Chaille,
	Ware,	Gilpin,	Wootton,
	Courts,	Beall,	Beatty.
	Smallwood,	Hammond,	[38]

## For the Negative

Mess. <sup>rs</sup>	Ringgold,	Chase,	So. Wright.
	Johnson,	Paca,	[5]

William Hayward, Esq., from the Upper House, delivers to M.<sup>r</sup> Speaker the Bill, entitled, An Act to prevent counterfeiting the Paper Money of other Colonies, thus indorsed. "By the Upper House of Assembly, June 26.<sup>th</sup> 1773. Read the first Time and ordered to lie on the Table.

Signed by Order, U. Scott, Cl. Up. Ho."

"By the Upper House of Assembly, P. M. June 26.<sup>th</sup> 1773. Read the second Time and will pass.

Signed by Order, U. Scott, Cl. Up. Ho."

Which Bill was read here and passed for ingrossing.

p. 329 The Bill, entitled, An Act for the Enlargement of Baltimore Town, was read the first and second Time, by an especial Order, passed, and sent to the Upper House, with the Bill to ease the People of this Province from trivial Suits in the County Courts, by M.<sup>r</sup> Ridgely and M.<sup>r</sup> Hammond.

The House adjourns till Monday Morning 9 O'Clock.

June 28

Monday, June 28.<sup>th</sup> 1773.

The House met.

All Members present as on Saturday, except M.<sup>r</sup> John Ennalls, M.<sup>r</sup> Ridgely, M.<sup>r</sup> Contee and M.<sup>r</sup> Weems.

The Proceedings of Saturday were read.



M.<sup>r</sup> Turbutt Wright appeared in the House.

L. H. J.  
Liber No. 54  
June 28

The Petitions of sundry languishing Prisoners were read a second Time and granted.

A Petition of David Aspaugh, a Prisoner in Frederick County Jail, was read; and a Petition of sundry of his Creditors in Baltimore Town was also read; both which are referred for Consideration on the second Tuesday in next Session of Assembly.

Ordered, That the Clerk of this House do give the Parties Notice of the said Reference.

On Motion, Ordered, That Leave be given to bring in a Bill for the Relief of certain languishing Prisoners in the several Jails therein mentioned; and that M.<sup>r</sup> So. Wright, M.<sup>r</sup> Johnson, M.<sup>r</sup> Tolly, and M.<sup>r</sup> Aq. Hall, do prepare and bring in the same.

The Bill, entitled, An Act to enable the Undertaker for building the State-House to cover the same with Shingles, was read the second Time, and will pass.

M.<sup>r</sup> Thomas brings in and delivers to M.<sup>r</sup> Speaker, a Bill, entitled, An Act to continue the Acts therein mentioned; which was read the first and second Time by an especial Order and will pass.

M.<sup>r</sup> Earle brings in and delivers to M.<sup>r</sup> Speaker, a Bill, entitled, An Act to enable the Commissioners for emitting Bills of Credit to provide Stationary for the Use of the Upper and Lower Houses of Assembly; which was read the first and second Time by an especial Order, passed, and sent to the Upper House, with the Two last mentioned Bills, by M.<sup>r</sup> Hawkins, and M.<sup>r</sup> Waters.

John Ridout, Esq., from the Upper House, delivers to M.<sup>r</sup> Speaker, a Bill entitled An Act for the Enlargement of Baltimore Town, thus indorsed, "By the Upper House of Assembly, June 26.<sup>th</sup> 1773. Read the first Time and ordered to lie on the Table.

Signed by Order, U. Scott, Cl. Up. Ho."

"By the Upper House of Assembly, June 28, 1773. Read the second Time and will pass.

Signed by Order, U. Scott, Cl. Up. Ho."

Which was read here and passed for ingrossing.

The Petition for a Work House in St. Mary's County was read a second Time and referred for Consideration on the second Monday in next Session.

The following Papers which were referred from last to this Session, were severally read and referred till next Session, Viz.

The Petition of St. Paul's Parish in Baltimore County.

The Petition of the Merchants in Bladensburg.

The Bill, entitled, a supplementary Act to the Act, entitled An Act for the more effectual securing of Orphans Estates.

L. H. J.  
Liber No. 54  
June 28

A Bill, entitled, An Act directing the Manner of punishing Fornication and Adultery before a single Justice of Peace out of Court.

The Petition of the Vestrymen and Churchwardens of St. Luke's Parish, in Queen Anne's County, till the second Wednesday in next Session.

M.<sup>r</sup> J Hall brings in and delivers to M.<sup>r</sup> Speaker, a Bill, entitled, An Act to enable the Representatives of deceased Treasurers, to pay over the Ballances in their Hands to the succeeding Treasurers; which was read the first Time and ordered to lie on the Table.

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[sic] The Petition of M<sup>c</sup>Clure, Smith, Boyd, and Henderson, was read and granted and Leave given to the Petitioners to bring in a Bill pursuant to the Prayer of the said Petition.

The Petition of the Rector, Vestrymen and Churchwardens, of St. Michael's Parish, in Talbot and Queen Anne's County, was read and referred till next Session of Assembly.

The Petition of the Trustees of Anne-Arundel County was read a second Time and referred till next Session of Assembly.

George Steuart Esq., from the Upper House delivers to M.<sup>r</sup> Speaker the Bill, entitled, An Act concerning Provincial Grand Jurors. [and] the Bill, entitled, An Act to enable the Undertaker for building the State-House to cover the same with Shingles, severally indorsed; "By the Upper House of Assembly, June 28, 1773. Read the first [time] and will not pass.

Signed by Order, U. Scott, Cl. Up. Ho."

The Bill, entitled, An Act to enable the Commissioners for emitting Bills of Credit to provide Stationary for the Use of the Upper and Lower Houses of Assembly thus indorsed; "By the Upper House of Assembly, June 28, 1773. Read the first and second Time by an especial Order and will pass.

Signed by Order, U. Scott, Cl. Up. Ho."

Which was read here and passed for engrossing.

Also the Bill, entitled, An Act to continue the Acts therein mentioned; thus indorsed, "By the Upper House of Assembly, June 28, 1773. Read the first and second Time by an especial Order, and will pass with the following Amendments, Viz. After the Word "Force" in the twelfth Line, insert the following Words, "For and during the Term of Seven Years and."

Signed by Order, U. Scott, Cl. Up. Ho.

Which Bill was read here; and the Amendments were also read and agreed to, and the Bill passed for ingrossing.

The House adjourns till 3 O'Clock

Post Meridiem.

The House met.

L. H. J.  
Liber No. 54  
June 28

The House being informed that M.<sup>r</sup> John Reeder, jun.<sup>r</sup> a Delegate returned for St. Mary's County, was attending.

Ordered, That M.<sup>r</sup> Barnes and M.<sup>r</sup> Key do go with that Gentleman to the Upper House to see him qualified.

They return and acquaint M.<sup>r</sup> Speaker they saw him qualified in the usual Manner.

The Gentleman took his Seat in the House.

The Bill, entitled, An Act to aid Defects in a Deed of certain Lands to Lodowick Davis.

And the Bill, entitled, An Act for the Relief of John M'Lure and others, were severally read the first and second Time by an especial Order, passed, and sent to the Upper House by M.<sup>r</sup> Deye and M.<sup>r</sup> Griffith.

M.<sup>r</sup> Johnson brings in and delivers to M.<sup>r</sup> Speaker, a Bill entitled, An Act for the better regulating Attachments; which was read the first Time and ordered to lie on the Table.

M.<sup>r</sup> Sudler appeared in the House.

The ingrossed Bills N.<sup>o</sup> 4, 5, 6, 7, were severally read and assented to, and sent to the Upper House with the Paper Bills thereof, by M.<sup>r</sup> Sudler and M.<sup>r</sup> Bond.

Daniel of Saint Thomas Jenifer, Esq., from the Upper House, delivers to M.<sup>r</sup> Speaker a Petition of James Hendricks, praying the House to pass an Act to confirm to him a Tract of Land formerly purchased by the Petitioner of a certain Peter Harman, which was not legally conveyed by the said Harman.

A Petition of Thomas Harwood, William Reynolds, John Brice, William Faris, and Allen Quynn on Behalf of themselves and others, setting forth; That by an Act of Assembly passed the 16.<sup>th</sup> May 1747, for repealing an Act to enable the Rector, Vestrymen, &c. of St. Anne's Parish in Anne-Arundel County, to lease certain Lots in the said City of Annapolis, Power was given to them to lease the Lots in the said City, numbered respectively 59, 60, 61, for any Term not exceeding 63 years, and after the Expiration of the said Term, to grant new Leases for the Term of 21 Years or three Lives, to the same Uses and Purposes as in the said recited Act is mentioned; and further, that since the passing the said Act, Leases have been granted for the said Lots of Land for the Term of 63 Years to several Persons; that considerable and valuable Improvements have been made on Part of the said Lots, particularly by the Petitioners who would build on and improve the Residue, but from Doubts arising

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June 28

whether the original Lessees and improvers of the said Lots, or such as shall or may claim under them, will be entitled to a Preference when the Time shall arrive for Renewment of the same; that they humbly apprehend it would be agreeable to the Design and Intention of the afore recited Act and greatly conduce to the Improvement of the said Lots, as well as be most consistent with Equity, if a Preference were expressly given to the original Lessees and Improvers of the said Lots, and the Under Lessees to renew the Leases after the Expiration of the said Term of sixty-three Years for the further Term of Twenty-one Years or three Lives, and in like Manner from Time to Time, and on the same Terms and Conditions as are contained in the above recited Act, and therefore praying an Act may pass for the Purpose aforesaid.

And, a Petition of Queen Caroline Parish, praying an Act may be passed, empowering the Justices of Anne-Arundel County Court, to levy on the Inhabitants of said Parish, at three equal annual Assessments, the Sum of Twelve Hundred Pounds common current Money, for the Purpose of building a new Church in the Place where the Old one now stands; severally indorsed; "By the Upper House of Assembly, June 28, 1773. Read and referred to the Consideration of the Lower House of Assembly.

Signed by Order, U. Scott, Cl. Up. Ho."

Which Petitions were severally read here the first Time and ordered to lie on the Table.

The Petition of the Rector, Vestrymen, and Churchwardens of St. Anne's Parish, was read a second Time and referred for Consideration next Session of Assembly.

The House adjourns till To-Morrow Morning 9 O'Clock.

June 29

Tuesday, June 29.<sup>th</sup> 1773.

The House met.

All Members present as on Yesterday, except M.<sup>r</sup> W. Ennalls.

The Proceedings of Yesterday were read.

M.<sup>r</sup> Ridgely appeared in the House.

The Petition of James Fitzimmons and the Petition of John Curtis, Two Prisoners in Baltimore County Jail, were read and referred till the second Tuesday in next Session of Assembly.

Ordered, That the Clerk of this House do give Notice thereof to the Petitioners, and those who have filed counter Petitions.

Daniel Dulany, Esq., from the Upper House, delivers to M.<sup>r</sup> Speaker the Paper Bills N.<sup>o</sup> 4, 5, 6, 7, severally indorsed, "By the



Upper House of Assembly, June 28, 1773. The ingrossed Bill whereof this is the original read and assented to.

L. H. J.  
Liber No. 54  
June 29

Signed by Order, U. Scott, Cl. Up. Ho."

The Bill, entitled, An Act for the Relief of John M'Clure and others, thus indorsed, "By the Upper House of Assembly, June 28.<sup>th</sup> 1773. Read the first and second Time by an especial Order and will pass.

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[sic]

Signed by Order, U. Scott, Cl. Up. Ho."

Which was read here and passed for ingrossing

The Bill, entitled, An Act for the Independency of the Justices, the Enlargement of the County Court Jurisdiction in Cases of Equity, and the Authority of the Deputy Commissaries; thus indorsed, "By the Upper House of Assembly, June 26, 1773. Read the first Time and ordered to lie on the Table.

Signed by Order, U. Scott, Cl. Up. Ho."

"By the Upper House of Assembly, June 28, 1773. Read the second Time and will not pass.

Signed by Order, U. Scott, Cl. Up. Ho."

And the Bill, entitled, An Act to aid the Proceedings of Cæcil County Court, thus indorsed, "By the Upper House of Assembly, June 25.<sup>th</sup> 1773. Read the first Time and ordered to lie on the Table.

Signed by Order, U. Scott, Cl. Up. Ho."

"By the Upper House of Assembly, June 28.<sup>th</sup> 1773. Read the second Time and will pass with the following Amendments, Viz. Alter the Preamble so as that it may be in the following Words, Viz. "Whereas it may be doubted whether the Justices of Cæcil County Court did hold their Court on the second Tuesday of August 1772, as by an Act of Assembly of this Province they are required, by Reason whereof it may be a Question, whether the Actions in the said Court depending and undetermined were discontinued or not." Leave out the Words "except as herein after excepted" in the sixth Line of the first enacting Clause; and after the Word "Condition" in the seventh Line of the same Clause, Leave out the rest of the Bill and add the following Words, Viz. "to all Intents and Purposes, as if the Justices of the said Court had met and held the said Court as required by the aforesaid Act of Assembly of this Province."

Signed by Order, U. Scott, Cl. Up. Ho.

Which was read; and the Proposed Amendments were read and rejected.

The Petition of Thomas Harwood, William Reynolds, John Brice William Faris, and Allen Quynn, was read a second Time and granted; and Leave given to the Petitioners to bring in a Bill pursuant to the Prayer of the said Petition.

L. H. J.  
Liber No. 54  
June 29

The Petition of James Hendricks was read a second Time; Ordered, That the said Petition be referred to the Consideration of a Committee, and that they do examine the Matter thereof, and report the same as it shall appear to them to the House; and that M.<sup>r</sup> Deye, M.<sup>r</sup> Ridgely, M.<sup>r</sup> Tolly, M.<sup>r</sup> Aq. Hall, M.<sup>r</sup> J. Hall, and M.<sup>r</sup> Hammond, are appointed a Committee accordingly, and they have Power to send for Persons, Papers and Records.

The Bill, entitled, An Act to explain an Act relating to Leases made by the Rector, Vestrymen, and Churchwardens of St Anne's Parish, was read a first and second Time by an especial Order, passed, and sent to the Upper House by M.<sup>r</sup> Paca and M.<sup>r</sup> Hammond.

M.<sup>r</sup> Wootton brings in and delivers to M.<sup>r</sup> Speaker, a Bill, entitled, An Act for the Relief of the Poor in Frederick County; which was read the first and second Time by an especial Order, passed, and sent to the Upper House, with the ingrossed Bill for the Relief of John M'Lure and others, by M.<sup>r</sup> Wootton and M.<sup>r</sup> Griffith.

p. 331 Benedict Calvert, Esq., from the Upper House, delivers to M.<sup>r</sup> Speaker, the Petitions of sundry languishing Prisoners, thus indorsed, "By the Upper House of Assembly, June 29, 1773. Read the Petitions of John Ward, Peter Carroll, Patrick Higgins, Charles Steuart, John M'Nabb, Joseph Smith, and Benjamin Wallace, and referred the same to the Consideration of the Lower House of Assembly.

Signed by Order, U. Scott, Cl. Up. Ho".

And a Petition of John Robert Hollyday, Sheriff of Baltimore County.

M.<sup>r</sup> Smallwood brings in and delivers to M.<sup>r</sup> Speaker, a Bill, entitled, An Act for amending the Staple of Tobacco, and for preventing Frauds in his Majesty's Customs.

On Motion the Question was put, That the said Bill be referred for Consideration to the next Session of Assembly? Resolved in the Negative.

#### For the Negative

Mess. <sup>rs</sup>	Bond,	Parran,	Tyler,
	Barnes,	Hawkins,	Sim,
	Key,	Ware,	Hammond,
	Reeder,	Courts,	Wilson,
	Worthington,	Smallwood,	Waters,
	Johnson,	Ridgely,	Earle,
	Chase,	Deye,	Wootton,
	J. Hall,	Tolly,	Beatty,
	Somervelle,	Aq. Hall,	Griffith.
Lyles,	Beall,		

For the Affirmative

Mess.<sup>rs</sup>  
Ringgold,  
Maxwell,  
Sudler,  
Richardson,  
Ward,

Veazy,  
Hyland,  
Gilpin,  
Thomas,  
Brown,

T. Wright,  
So. Wright,  
Holland,  
Robins,  
Purnell,

L. H. J.  
Liber No. 54  
June 29

[ 15 ]

The said Bill was then read the first Time and ordered to lie on the Table.

Daniel Dulany, Esq., from the Upper House delivers to M.<sup>r</sup> Speaker, the Bill, entitled, An Act for the Relief of the Poor in Frederick County.

The Bill, entitled, An Act to explain An Act relating to Leases made by the Rector, Vestrymen and Churchwardens of St. Anne's Parish; severally indorsed; "By the Upper House of Assembly, June 29.<sup>th</sup> 1773. Read the first and second Time by an especial Order and will pass.

Signed by Order, U. Scott, Cl. Up. Ho."

Which was read here, and passed for ingrossing.

The Paper Bill, entitled, An Act for the Relief of John M'Clure and others; thus indorsed: "By the Upper House of Assembly, June 29.<sup>th</sup> 1773. The ingrossed Bill, whereof this is the Original, Read and assented to.

Signed by Order, U. Scott, Cl. Up. Ho."

And the Bill, entitled, An Act to enable the Commissioners for emitting Bills of Credit, to pay the Executor of Philip Hammond, deceased, the Sum of Money therein mentioned; thus indorsed; "By the Upper House of Assembly, June 26, 1773. Read the first Time and ordered to lie on the Table.

Signed by Order, U. Scott, Cl. Up. Ho."

"By the Upper House of Assembly, June 29, 1773. Read the second Time and will not pass.

Signed by Order, U. Scott, Cl. Up. Ho."

The House adjourns till 3 O'Clock.

Post Meridiem.

The House met.

M.<sup>r</sup> Solomon Wright brings in and delivers to M.<sup>r</sup> Speaker, a Bill, entitled, An Act for the Relief of certain Prisoners in the several Jails therein mentioned; which was read the first and second Time by an especial Order, passed, and sent to the Upper House by M.<sup>r</sup> Key and M.<sup>r</sup> Waters.

L. H. J.  
Liber No. 54  
June 29

M.<sup>r</sup> Chamberlaine hath Leave of Absence.  
The Bill, entitled, An Act for the better regulating Attachments, was read a second Time and will pass.  
The House adjourns till To-Morrow Morning 8 O'Clock.

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Wednesday, June 30.<sup>th</sup> 1773.

The House met.

All Members present as on Yesterday, except M.<sup>r</sup> Chamberlaine and M.<sup>r</sup> Brown.

The Proceedings of Yesterday were read.

Daniel of Saint Thomas Jenifer, Esq., from the Upper House, delivers to M.<sup>r</sup> Speaker a Petition of Reuben Merriweather and William Bernard. Which was read and referred to the Consideration of a Committee.

Ordered, That they do examine the Matter thereof, and report the same, as it shall appear to them to the House, and M.<sup>r</sup> Paca, M.<sup>r</sup> Hall, and M.<sup>r</sup> Hammond, are appointed a Committee accordingly, and they have Power to send for Persons, Papers and Records.

George Plater, Esq., from the Upper House, delivers to M.<sup>r</sup> Speaker a Petition of sundry the Inhabitants living on and near the Head of St. Clement's Bay, in St. Mary's County. Which was read and ordered to lie on the Table.

M.<sup>r</sup> Robert Wright, one of the Committee Clerks, is discharged from any further Attendance this Session.

John Ridout, Esq., from the Upper House, delivers to M.<sup>r</sup> Speaker the Bill entitled, An Act for the Relief of certain Prisoners in the several Jails therein mentioned, thus indorsed, "By the Upper House of Assembly, June 29.<sup>th</sup> 1773. Read the first Time and ordered to lie on the Table.

Signed by Order U. Scott, Cl. Up. Ho."

By the Upper House of Assembly, June 30, 1773. Read the second Time and will pass with the following Amendments, Viz.<sup>t</sup> Leave out the Names of Francis Miller, Thomas Coffey, and Mathew Coffey. After the Word "Prison" in the 10.<sup>th</sup> Line of the 8.<sup>th</sup> Page, insert the following Words, Viz. "And every other of the Persons aforesaid who have or hath intermarried since his or their Commitment to Prison." Leave out the Word "Five" in the sixteenth Line of the same Page, and insert in the Room thereof the Word "Ten."

Signed by Order, U. Scott, Cl. Up. Ho.

Which Bill was read here, and the Amendments were read and agreed to, and the Bill passed for ingrossing.



The Bill, entitled, An Act to ease the People of this Province from trivial Suits in the County Courts, thus indorsed, "By the Upper House of Assembly June 26, 1773. Read the first Time and ordered to lie on the Table.

L. H. J.  
Liber No. 54  
June 30

Signed by Order, U. Scott, Cl. Up. Ho."

"By the Upper House of Assembly, June 30, 1773. Read the second Time and will pass with the Amendments annexed.

Signed by Order, U. Scott, Cl. Up. Ho."

Leave out from the Word "Prosecution" in the Fourth Line of the first Page, to the Words "And whereas" in the 8.<sup>th</sup> Line of the same Page. In the last and second and third Lines from the Bottom of the First Page, instead of "Thirty three Shillings and four Pence Current Money of Maryland, or Four Hundred Pounds of Tobacco," insert "Three Pounds fifteen Shillings Sterling, Five Pounds Current Money of Maryland, or one thousand Pounds of Tobacco." Leave out from the Word, "notwithstanding," in the 5.<sup>th</sup> Line of the 3.<sup>d</sup> Page, to the Word "provided" in the 11.<sup>th</sup> Line of the 4.<sup>th</sup> Page. Instead of the Words "Thirty three Shillings and Four Pence Current Money, or Four Hundred Pounds of Tobacco" in the thirteenth Line of the fourth Page, insert, "Thirty Shillings Sterling, Forty Shillings Current Money of Maryland, or Four Hundred Pounds of Tobacco," and Leave the Words "And no Arbitrators have been called in" out of the fourteenth Line of the same Page. Instead of "Two," in the fifth Line from the Bottom of the 5.<sup>th</sup> Page, insert "Four." Instead of the Words, "Six Pounds Current Money of Maryland, or fourteen hundred and forty Pounds," in the two last Lines of the fifth Page, insert the Words "Three Pounds fifteen Shillings Sterling, Five Pounds Current Money of Maryland, or One thousand Pounds." In the fourth and fifth Lines of the 8.<sup>th</sup> Page, instead of the Words "And wrote the Sum of Six Pence," insert "Two Shillings." Leave out from the Word "Money," in the ninth Line of the eighth Page, to the Word "And," in the tenth Line of the same Page, and instead of "Six Pence," in the same Line, insert "One Shilling." Instead of the Words "Thirty-three Shillings and four Pence," in the fourteenth Line of the 8.<sup>th</sup> Page, insert "Thirty Shillings Sterling, forty Shillings," and make a similar Alteration in the 2.<sup>d</sup> and 3.<sup>d</sup> Lines from the Bottom of the 8.<sup>th</sup> Page. After the Word "Notwithstanding," in the 9.<sup>th</sup> Line of the 9.<sup>th</sup> Page, insert, "for taking which Bond and granting Supersedeas the Justice shall be allowed Two Shillings Current Money of Maryland." p. 333

Which Bill was read here, and the proposed Amendments were read; the first of which was rejected. Upon reading the second, the Question was put, That the Words "Thirty-three Shillings and four Pence Current Money of Maryland, or four hundred Pounds

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June 30

of Tobacco," be left out of the Bill, and the Words "Three Pounds fifteen Shillings Sterling, Five Pounds Current Money of Maryland, or one thousand Pounds of Tobacco," be inserted in the Stead thereof? Resolved in the Affirmative. The Third, Fourth, and fifth Amendments were rejected. The sixth agreed to. The seventh and eighth rejected. On reading the ninth, the Question was put, That the Words "Thirty three Shillings and four Pence," in the fourteenth Line of the eighth Page, be left out, and the Words "Thirty Shillings Sterling, Forty Shillings," be inserted in the Stead thereof? Resolved in the Affirmative.

For the Affirmative

Mess. <sup>rs</sup>	Bond,	Parran,	Gilpin,
	Key,	Richardson,	T. Wright,
	Reeder,	Ridgely,	So. Wright,
	Sudler,	Deye,	Holland,
	Worthington,	Tolly,	Robins,
	J. Hall,	Ward,	Purnell,
	Somervelle,	Veazy,	Chaille.
	Lyles,	Hyland,	

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For the Negative

Mess. <sup>rs</sup>	Barnes,	A. Hall,	Waters,
	Johnson,	Beall,	Thomas,
	Chase,	Tyler,	Earle,
	Hawkins,	Sim,	Wootton,
	Ware,	Paca,	Beatty,
	Courts,	Hammond,	Griffith.
	Smallwood,	Wilson,	

[20]

The 10.<sup>th</sup> Amendment was rejected.

M.<sup>r</sup> Hammond brings in and delivers to M.<sup>r</sup> Speaker the following Report.

By the Committee appointed to examine into the Facts set forth in the Petition of Reuben Merriweather and William Bernard, and report the same to the House.

Your Committee, in pursuance of the Order of the House, proceeded to examine into the Facts contained in said Petition, and do humbly report to the House as follows:

That it appears that John Morton Jordan, deceased, did contract with Daniel Wolstenholme for the Purchase of sundry Lots and Houses in the City of Annapolis, and by his last Will and Testament, bearing Date the sixth Day of June, 1771, amongst other Things, devised the Lots of Ground and Houses aforesaid to his Wife, for the Term of three Years, to be computed from his Death, provided she

continued to reside in this Province, and at the Expiration of the said three Years, or sooner if his Wife should leave the Province, directed his Executors to sell and dispose of the said Lots of Ground and the Improvements thereon to the best Advantage, provided a Sum not less than £1500 Sterling could be got for the same, and the Money arising from such Sale to be disposed of as directed in said Will; and thereof appointed William Hemsley and Peregrine Tilghman his Executors, who renounced the said Trust, and Letters of Administration with the said Will thereto annexed hath been granted to Reuben Merriweather, one of the said Petitioners, who since the Death of the said John Morton Jordan hath paid the purchase Money for the said Lots and Houses to Daniel Wolstenholme aforesaid, and taken a Conveyance of the same to John Nesbitt Jordan, the Son and Heir at Law of the Testator, a Minor, under the Age of Twenty-one Years, now residing with his Mother in London in Great Britain, who soon after the Death of her said Husband John Morton Jordan left this Province, and on or about the 19.<sup>th</sup> Day of December, 1772, was by the Lord Chancellor of Great Britain appointed Guardian to her said Son.

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June 30

P. 334

It further appears to Your Committee, that the said Dorothy Jordan, the Widow of John Morton Jordan and Guardian aforesaid, hath by a Power of Attorney, bearing Date the 30.<sup>th</sup> Day of December, 1772 empowered and appointed William Bernard, one of the Petitioners aforesaid, and a certain Thomas Jett, jointly and severally, for her and in her Name, in all Things relative to the said Guardianship in America, to act in her Behalf.

All which is humbly submitted to the Consideration of the Honourable House.

Signed by Order, John Courts Jones, Cl. Com.

Which was read, and Leave given to bring in a Bill pursuant to the Prayer of Reuben Merriweather and William Bernard.

M.<sup>r</sup> Deye brings in and delivers to M.<sup>r</sup> Speaker the following Report.

By the Committee appointed to examine into the Facts set forth in the Petition of James Hendricks, and report the same to the House.

Your Committee, in Consequence of the Order of the House, proceeded to examine into the Facts contained in said Petition, and do humbly report to the House as follows:

That it appears to your Committee, that on the first Day of August, Anno Domini Seventeen hundred and Fifty eight, a Contract was made by the said James Hendricks and Peter Harman, that in Consideration of the said James Hendricks paying him the said Peter Harman, his Executors, &c. the Sum of £200 Current Money, the

L. H. J. said Peter covenanted to convey to the said James, his Heirs and  
 Liber No. 54 Assigns, the Two following Tracts or Parcels of Land, both situate  
 June 30 in Baltimore County, Viz. Winchester's Lot, containing 50 Acres,  
 and Part of a Tract called Mc'Gill's Choice, containing 116 Acres;  
 and for the Performance of said Contract Bonds passed between  
 the said James and the said Peter.

It also appears, that the said Peter Harman died before executing any Conveyance of the said Lands, and without Heirs, having made his Will, and devised his personal Estate to his Wife, and appointed her and a certain John Stilewaggon Executors.

It further appears, that the said James Hendricks paid and satisfied the Consideration Money to the Executors agreeable to the Contract.

And it also appears, that the said James Hendricks hath given publick Notice of his Intention of applying to the General Assembly for an Act to confirm his Titles of, in and to the Two Parcels of Lands aforesaid.

All which is humbly submitted to the Consideration of the Honourable House.

Signed by Order, Tho. Maddux, Cl. Com.

p. 335 Which was read and Leave given to James Hendricks to bring in a Bill pursuant to the Prayer of his Petition.

M.<sup>r</sup> Chaille and M.<sup>r</sup> Waters have Leave of Absence.

The Bill for the better regulating Attachments, and the ingrossed Bills, N.<sup>o</sup> 9, 10, with the paper Bills thereof, were sent to the Upper House by M.<sup>r</sup> Wilson and M.<sup>r</sup> Parran.

George Plater, Esq., from the Upper House delivers to M.<sup>r</sup> Speaker the Paper Bills, N.<sup>o</sup> 9, 10, severally indorsed, "By the Upper House of Assembly, June 30.<sup>th</sup> 1773. The ingrossed Bill, whereof this is the original, read and assented to.

Signed by Order, U. Scott, Cl. Up. Ho."

A Bill, entitled, An Act confirming to James Hendricks of Baltimore County sundry Lands therein mentioned. And a Bill, entitled, An Act to empower Thomas Jett and William Bernard to sell and dispose of the Lands therein mentioned, pursuant to the Directions of the last Will and Testament of John Morton Jordan, deceased, were severally read the first Time and ordered to lie on the Table.

The House adjourns till To-Morrow Morning 9 O'Clock.

July 1

Thursday, July 1, 1773.

The House met.

All Members present as on Yesterday, except M.<sup>r</sup> Maxwell, M.<sup>r</sup> Paca, M.<sup>r</sup> Ringold, M.<sup>r</sup> Wilson, M.<sup>r</sup> Waters, and M.<sup>r</sup> Chaille.

The Proceedings of Yesterday were read.



The Petition of Philip Love was read a second Time, and referred for Consideration on the second Friday in next Session of Assembly.

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July 1

The Bill, entitled, An Act for amending the Staple of Tobacco and for preventing Frauds in his Majesty's Customs, was read the second Time, and the Question was put that the said Bill do pass?

Resolved in the Affirmative.

The said Bill, was sent to the Upper House by M.<sup>r</sup> Johnson, M.<sup>r</sup> Beall, M.<sup>r</sup> Turbutt Wright, and M.<sup>r</sup> Thomas.

The House adjourns till 3 O'Clock.

Post Meridiem.

The House met.

M.<sup>r</sup> Contee appeared in the House.

On Motion, Ordered, That Leave be given to bring in a Bill for the Sale of the capital Bank Stock belonging to this Province; and that M.<sup>r</sup> Johnson, M.<sup>r</sup> Chase, M.<sup>r</sup> J. Hall, M.<sup>r</sup> Sim, M.<sup>r</sup> Beall, M.<sup>r</sup> Thomas, M.<sup>r</sup> Contee, and M.<sup>r</sup> Barnes, do prepare and bring in the same.

A Petition of Reuben Merriweather, Administrator with the Will annexed of John Morton Jordan, Esq., late of the City of Annapolis, deceased, was read.

Ordered, That M.<sup>r</sup> Bernard and M.<sup>r</sup> Jett, the Petitioners for a Bill to empower them to dispose of the Houses and Lots in Annapolis; as also M.<sup>r</sup> Merriweather, the Petitioner against the Passage of the Bill, be heard at the Bar of this House by Council.

The Bill, entitled, An Act to empower Thomas Jett and William Bernard, or either of them to sell and dispose of the Lands therein mentioned, pursuant to the Directions of the last Will and Testament of John Morton Jordan, deceased; and the Bill, entitled, An Act confirming to James [Hendricks] of Baltimore County sundry Lands therein mentioned, were severally read the Second Time by an especial Order, passed and sent to the Upper House by M.<sup>r</sup> Deye and M.<sup>r</sup> Ward.

Ordered, That the several Papers from the Speaker of the House of Burgesses of Virginia and those from Rhode Island be taken into Consideration To-morrow Morning.

The House adjourns till To-morrow Morning 9 O'Clock.

Friday, July 2, 1773.

July 2  
p. 336

The House met.

All Members present as on Yesterday.

The Proceedings of Yesterday were read.

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Liber No. 54  
July 2

George Plater, Esq., from the Upper House, delivers to M.<sup>r</sup> Speaker the Bill, entitled, An Act to empower Thomas Jett and William Bernard, or either of them, to sell and dispose of the Lands therein mentioned, pursuant to the Directions of the last Will and Testament of John Mortan Jordan, deceased; and the Bill, entitled, An Act confirming to James Hendricks of Baltimore County sundry Lands therein mentioned, severally indorsed; “By the Upper House of Assembly July 1, 1773. Read the first and second Time by an especial Order, and will pass

Signed by Order, U. Scott, Cl. Up. Ho.”

Which were severally read here and passed for ingrossing.

M.<sup>r</sup> Thomas brings in and delivers to M.<sup>r</sup> Speaker a Bill, entitled, An Act for the Sale of the capital Bank Stock belonging to this Province. Which was read the first and second Time by an especial Order, passed, and sent to the Upper House by M.<sup>r</sup> Johnson and M.<sup>r</sup> Smallwood.

The Bill, entitled, An Act to enable the Representatives of deceased Treasurers to pay over the Ballances in their Hands, was read the second Time, passed, and sent to the Upper House by M.<sup>r</sup> Contee and M.<sup>r</sup> Robins.

Daniel of St. Thomas Jenifer, Esq., from the Upper House, delivers to M.<sup>r</sup> Speaker the Bill, entitled, An Act for amending the Staple of Tobacco and for preventing Frauds in his Majesty's Customs, thus indorsed; “By the Upper House of Assembly, July 1, 1773. Read the first Time and ordered to lie on the Table.

Signed by Order, U. Scott, Cl. Up. Ho.”

“By the Upper House of Assembly, July 2.<sup>d</sup> 1773. Read the second Time and will not pass.

Signed by Order, U. Scott, Cl. Up. Ho.”

And the Bill, entitled, An Act for the better regulating of Attachments, thus indorsed; “By the Upper House of Assembly, June 30, 1773. Read the first Time and ordered to lie on the Table.

Signed by Order, U. Scott, Cl. Up. Ho.”

“By the Upper House of Assembly, July 2, 1773: Read the second Time and will pass.”

Signed by Order, U. Scott, Cl. Up. Ho.”

The Message brought from the Upper House on the 26.<sup>th</sup> June by George Steuart, Esq., accompanying the Clergy Bill, &c. was read a second Time.

Ordered, That M.<sup>r</sup> J. Hall, M.<sup>r</sup> Chase, and M.<sup>r</sup> Johnson, do prepare a Message to the Upper House in answer thereto.

George Steuart, Esq., from the Upper House, delivers to M.<sup>r</sup> Speaker the Bill, entitled, An Act to enable the Representatives of

deceased Treasurers to pay over the Ballances in their Hands, thus indorsed, "By the Upper House of Assembly, July 2, 1773. Read the first and second Time by an especial Order and will pass. L. H. J. Liber No. 54 July 2

Signed by Order, U. Scott, Cl. Up. Ho."

Which was read here and passed for ingrossing.

The House adjourns till 3 O'Clock.

Post Meridiem.

P. 337

The House met.

The House proceeded to tax the following private Bills.

An Act for the Relief of John M'Clure and others.

To the Hon. Speaker.....	£3..10..0
To the Clerk.....	1..10..0

An Act to explain an Act relating to Leases by the Rector, Vestrymen, and Churchwardens of St. Anne's Parish.

To the Hon. Speaker.....	£5.. 0..0
To the Clerk.....	2..10..0

An Act to empower Thomas Jett and William Bernard, or either of them, to sell and dispose of the Lands therein mentioned, pursuant to the Directions of the last Will and Testament of John Morton Jordan, deceased.

To the Hon. Speaker.....	£4..0..0
To the Clerk.....	2..0..0

An Act confirming to James Hendricks of Baltimore County sundry Lands therein mentioned.

To the Hon. Speaker.....	£1.. 0..0
To the Clerk.....	0..10..0

The ingrossed Bills N.<sup>o</sup> 11, 12, 13, 14, 15, were severally read and assented to, and sent to the Upper House, with the paper Bills thereof, by M.<sup>r</sup> Wootton and M.<sup>r</sup> Sudler.

On Motion, Ordered, That the Report brought in by M.<sup>r</sup> Tyler the 24.<sup>th</sup> June be read; and it was read accordingly.

Ordered, That the several Letters accompanying the said Report be read; and they were read accordingly.

Ordered, That the Serjeant at Arms attending this House do acquaint M.<sup>r</sup> Ghiselin, that the House desires his Attendance.

L. H. J.  
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July 2

M.<sup>r</sup> Ghiselin accordingly attended, and after being asked some Questions respecting his Letter to the Gentlemen appointed a Committee to inspect the publick Offices, the House discharged him from any further Attendance.

John Ridout, Esq., from the Upper House, delivers to M.<sup>r</sup> Speaker the paper Bills N.<sup>o</sup> 11, 12, 13, 14, 15, severally indorsed; “By the Upper House of Assembly, July 2.<sup>d</sup> 1773. The ingrossed Bill whereof this is the original read and assented to.

Signed by Order, U. Scott, Cl. Up. Ho.”

M.<sup>r</sup> Robins, M.<sup>r</sup> Holland, and M.<sup>r</sup> Purnell, have Leave of Absence.

On Motion, Resolved, unanimously, That this House is constitutionally invested with a Power to commit to the publick Jail, by Way of Punishment, any Person for Breach of Privilege or Contempt, there to remain till discharged by Order of this House.

Resolved, Nemine contradicente, That this House, as the grand Inquest of the Province, has an unquestionable Authority, founded on Precedent and long uninterrupted Usage, to hear and inquire into all Complaints and Grievances, and, as incidental to that Authority, has constitutionally a Power to commit any Person, for any crime whatsoever, to the Publick Jail, there to remain till he be discharged by due Course of Law.

Ordered, That the following be entered as the Resolves of this House.

Resolved, unanimously That the Representatives of the Freemen of this Province have the sole Right, with the Assent of the other Part of the Legislature, to impose and establish Taxes or Fees, and that the imposing, establishing or collecting any Taxes or Fees, on or from the Inhabitants of this Province, under Colour or Pretence of any Proclamation issued by, or in the Name of the Lord Proprietary, or other Authority, is arbitrary, unconstitutional and oppressive.

p. 338 Resolved, unanimously, That in all Cases where no Fees are established by Law for Services done by Officers, the Power of ascertaining the Quantum of the Reward for such Services is constitutionally in a Jury upon the Action of the Party.

Resolved unanimously, That the Proclamation issued in the Name of his Excellency Robert Eden, the Governor, with the Advice of his Lordship’s Council of State, on the 26.<sup>th</sup> Day of November, 1770, was illegal, arbitrary, unconstitutional and oppressive.

Resolved, unanimously, That the Paper Writing under the great Seal of this Province, issued in the Name of the late Lord Proprietary, on the 24.<sup>th</sup> Day of November, 1770, was illegal, arbitrary, unconstitutional and oppressive.

Resolved unanimously, That the Advisers of the said Proclama-



tions were Enemies to the Peace, Welfare and Happiness of this Province, and the Laws and Constitution thereof.

L. H. J.  
Liber No. 54  
July 2

The House adjourns till To-morrow Morning 9 O'Clock.

Saturday July 3, 1773.

July 3

The House met.

All Members present as on Yesterday, except M.<sup>r</sup> Purnell, M.<sup>r</sup> Robins, M.<sup>r</sup> Holland, and M.<sup>r</sup> Richardson.

M.<sup>r</sup> Hagar appeared in the House.

Ordered, That the last Resolves of Yesterday be printed in the next Week's Maryland Gazette, and continued therein six Weeks successively.

Daniel of St. Thomas Jenifer, and George Plater, Esquires, from the Upper House, acquaint M.<sup>r</sup> Speaker, that the Governor desires the Attendance of this House immediately in the Upper House, to see the Laws passed.

The Proceedings of Yesterday were read.

M.<sup>r</sup> Speaker left the Chair, and attended by the Members of the Lower House, went to the Upper House, and there presented to his Excellency the following ingrossed Bills, Viz.

N.<sup>o</sup> 1. An Act concerning Estates Tail and the Jurisdiction of the County Courts.

N.<sup>o</sup> 2. An Act to continue the Acts of Assembly therein mentioned.

N.<sup>o</sup> 3. An Act continuing an Act, entitled, An Act for amending and repairing the Publick Roads in Baltimore County.

N.<sup>o</sup> 4. An Act for the Enlargement of Baltimore Town.

N.<sup>o</sup> 5. An Act to prevent counterfeiting the Paper Money of other Colonies.

N.<sup>o</sup> 6. An Act to enable the Commissioners for emitting Bills of Credit to provide Stationary for the Use of the Upper and Lower Houses of Assembly.

N.<sup>o</sup> 7. An Act to continue the Acts therein mentioned.

N.<sup>o</sup> 8. An Act for the Relief of John M'Clure and others.

N.<sup>o</sup> 9. An Act to explain an Act relating to Leases by the Rector, Vestrymen and Churchwardens of Saint Anne's Parish.

N.<sup>o</sup> 10. An Act for the Relief of the Poor in Frederick County.

N.<sup>o</sup> 11. An Act to empower Thomas Jett and William Bernard, or either of them, to sell and dispose of the Lands therein mentioned, pursuant to the Directions of the last Will and Testament of John Morton Jordan, deceased.

L. H. J. N.º 12. An Act confirming to James Hendricks of Baltimore  
 Liber No. 54 County, sundry Lands therein mentioned.  
 July 3

N.º 13. An Act for the Relief of certain Prisoners in the several Jails therein mentioned.

N.º 14. An Act for the better regulating Attachments.

N.º 15. An Act to enable the Representatives of deceased Treasurers to pay over the Balances in their Hands.

p. 339 All which, except N.º 9, his Excellency passed into Laws in the usual Manner, and made the following Speech.

Gentlemen of the Upper and Lower Houses of Assembly,

It gives me great Pleasure to think that the Province will reap great Advantages from the Acts passed this Meeting.

The Absence of so many Members, and the little Prospect of any further Benefits accruing from a Continuance of the Session, at this Season, lay me under the Necessity of proroguing this Assembly.

By and with the Advice therefore of the Lord Proprietary's Council of State, I do prorogue this Assembly to Monday the 11.<sup>th</sup> Day of October next, and you will take Notice that you are prorogued accordingly.

So endeth this Session of Assembly, this 3.<sup>d</sup> Day of July, in the second Year of his Lordship's Dominion, and in the Year of our Lord One Thousand and Seven Hundred and Seventy-three.

Test. John Duckett, Cl. Lo. Ho.

## ACTS OF THE ASSEMBLY PASSED DURING JUNE-JULY, 1773

At a Session of Assembly begun and held at the City of Annapolis on Tuesday the fifteenth Day of June in the Year of our Lord One thousand seven hundred and seventy three and in the second year of the Dominion of the Right Honourable Henry Harford Esquire Absolute Lord and Proprietary of the Province of Maryland and ending the third Day of July following, the following Laws were enacted and assented to by his Excellency Robert Eden Esquire Governor

Liber R. G.  
1773  
p. 171

### No. 1 An Act concerning Estates-tail and the Jurisdiction of the County Courts.

Whereas Common Recoveries are considered as a Mode of Conveyance by which Tenants in Tail are enabled to convey and dispose of their Lands and Tenements but the said Mode of Conveyance is attended with an heavy Expence and great Inconvenience by reason of a necessary and chargeable Attendance in many Cases on the Provincial Court

[Preamble.]

Be it therefore enacted by the Right honourable the Lord Proprietary by and with the Advice and Consent of his Governor and the Upper and Lower Houses of Assembly and the Authority of the same that any Person or Persons seised of any Estate-Tail in Possession Reversion or Remainder shall have full Power to grant bargain sell and convey any Lands Tenements or Hereditaments whereof he she or they shall be so seised by such manner and form of Conveyance or Assurance as any Person seised of an Estate in fee-simple may by the Laws of this Province grant bargain sell and Convey any Lands Tenements or Hereditaments whereof such Person is seised of an Estate in Fee-Simple and all and every such Grants Bargains Sales and Conveyances of any Person or Persons so seised in Tail shall be good and available to all Intents and Purposes against all and every Person and Persons whom the Grantor Bargainor or vendor might or could debar by any Mode of Common Recovery or any ways or means whatsoever any Law or Usage to the Contrary Notwithstanding

[Persons seised of Estates-tail, may sell and convey them in the same manner as those seised of Estates in Fee-simple.]

And Whereas it is often grievously inconvenient to Defendants and Witnesses to attend at the Provincial Court in Annapolis and in no wise necessary or expedient for the due Administration of Justice in the Cases of such Suits or Actions as are cognizable by the Justices of the County Courts and as it may give great Relief to Witnesses and Jurymen as well as to Suitors to Confer on the

Liber R. G.  
1773

respective County Courts an original Jurisdiction exclusive of the Provincial Court in all Actions Suits and Causes whereof the County Courts have a Jurisdiction concurrent with the Provincial Court by the Laws now in force And also to extend the Jurisdiction of the County Courts to other Matters and Causes

[Plaintiffs  
obliged to  
sue in the  
County  
Courts, in  
all such  
Causes as  
are now  
Cognizable  
there, and  
not in the  
Provincial  
Court.]  
p. 172

Be it therefore enacted by the authority aforesaid that from and after the End of this present Session of Assembly all Persons having any Cause of Action against any Inhabitant or Inhabitants of this Province shall by virtue of this Act be obliged in case of Suit to sue and implead the Person or Persons aforesaid against whom he she or they hath have or shall have any Cause of Action in the several and respective Courts of the Counties wherein the Defendant or Defendants shall reside and not in the Provincial Court in all and every such Cases and for and in all and every such Matters and Causes as are by the Laws of this Province now cognizable or determinable by or in the said County Courts and in case any Suit or Action shall after the End of this present session of Assembly be commenced or brought in the Provincial Court for or upon any cause or matter so cognizable or determinable by or in the said County Courts by the Laws now in force the Plaintiff or Plaintiffs in such Suit or Action shall suffer a Non Suit and thereupon pay the Defendant or Defendants his her or their Costs any Law or Usage to the Contrary notwithstanding.

[Persons  
may sue in  
the County  
Court; for  
any cause  
where the  
Justices of  
the Provin-  
cial Court  
have original  
Jurisdiction,  
&c.]

And be it also enacted by the Authority aforesaid that any Person or Persons shall have full Power after the End of this Present Session to bring Suit in the County Court for any Cause whatsoever whereof the Justices of the Provincial Court have any original Cognizance or Jurisdiction whether for the Recovery of any Debt or Damages whatsoever or of the Right or Possession to or of any Lands or Tenements and also all Writs of Replevin may be after the end of this present Session of Assembly issued out of any County Court returnable to such Court out of which such Writs shall issue and no Suit or Action which shall be commenced or brought in any County Court shall before Judgment be removed by or on the behalf of the Plaintiff or Plaintiffs in such Suit or Action to the Provincial Court on Penalty of such Plaintiff or Plaintiffs suffering a Non Suit and Paying Costs

[Defendant  
may remove  
any Civil  
Cause from  
the County  
Court to the  
Provincial  
Court, &c.]

Provided always that any Defendant or Defendants shall have it in his her or their Power to remove any Civil Cause or Suit from the County Court to the Provincial Court in the same manner as he she or they might or could do before this present Act and also in all such Cases wherein the Civil Jurisdiction of the County Courts is by this Act extended or enlarged

And Provided also that any party or parties aggrieved by any Judgement or Determination of any County Court in exercising the Jurisdiction conferred by this Act shall have full power to appeal



from such Judgement or Determination to the Provincial Court in such manner and upon such Terms as Writs of Error or Appeals might or could be prosecuted before this present Act. Liber R. G.  
1773

And be it enacted by the Authority aforesaid that the Justices of the several and respective County Courts shall have full Power and authority by virtue of this Act to try according to Law all and every Person and Persons who shall after the end of this present Session of Assembly commit any Offence or Crime whatsoever although it may subject such person or persons to the pains of Death and upon Conviction of the Offender or Offenders in due Course of Law in the County Court of the County in which the Crime or Offence shall be committed give Judgement according to the nature and quality of the Crime or Offence any Law or Usage to the Contrary notwithstanding. [Justices of  
the County  
Courts may  
try Persons  
for any  
Crimes, tho'  
they may  
subject them  
to the Pains  
of Death.]

This Act to continue for seven Years from the end of the present Session of Assembly and to the end of the next Session of Assembly that shall happen after the said seven years. [Continu-  
ance.]

By the Lower House of  
Assembly June 23.<sup>d</sup> 1773  
Read and assented to  
Signed by Order  
Jn.<sup>o</sup> Duckett Clerk Lo. Ho.

On behalf of the Right  
honourable the Lord Pro-  
prietary of this Province  
I Will this be a Law  
Rob.<sup>t</sup> Eden

By the Upper House of  
Assembly June 23.<sup>d</sup> 1773  
Read and Assented to  
Signed by order  
U Scott Cl. Up. Ho.

the great seal  
in Wax Appendant

No. 2 An Act to continue the Acts of Assembly therein mentioned

p. 173

Be it enacted by the right honourable the Lord Proprietary by and with the advice and consent of his Governor and the upper and lower Houses of Assembly and the Authority of the same That An Act of Assembly of this Province entitled "An Act for the Relief of such Persons as cannot find Surety for their appearance to testifie as a Witness against any Person arrested accused or prosecuted for any criminal Matter" made at a Session of Assembly begun and held at the City of Annapolis the third Day of June one thousand seven hundred and fifty two be and is hereby continued, and shall remain and be in full force for and during the Term of seven years and to the End of the next Session of Assembly which shall happen after the End of the said seven years. That another Act of Assembly of this Province entitled, "An Act to enable the several and respective County Clerks within this Province to remove some of the County Records and Papers from the public Offices," made at a Session of Assembly begun and held at the City of Annapolis the tenth Day of May seventeen hundred and forty eight be and is hereby continued and shall remain and be in full force for and during the Term of seven years, and to the End of the next Session of Assembly which shall happen after the

[Sixteen  
Acts, which  
would have  
expired with  
the Session,  
Continued.]

Liber R. G.  
1773

End of the said seven years. That another Act of Assembly entitled "An Act for the more effectual Punishment of Negroes and other Slaves, and for taking away the Benefit of Clergy from certain Offenders," And "a Supplementary Act to an Act entitled, An Act to prevent the tumultuous meeting and other Irregularities of Negroes and other Slaves, and directing the manner of trying Slaves" made at a Session of Assembly begun and held at the City of Annapolis the fifteenth day of May Seventeen hundred and fifty one be and is hereby continued and shall remain, and be in full force for and during the term of seven Years and to the End of the next Session of Assembly which shall happen after the End of the said Seven Years. That another Act of Assembly entitled "An Act to make the Testimony of convicted person legal against convicted persons" made at a Session of Assembly begun and held at the City of Annapolis the fifteenth day of May seventeen hundred and fifty one be and is hereby continued and shall remain and be in full force for and during the term of seven years and to the End of the next Session of Assembly which shall happen after the End of the said seven Years. That another Act of Assembly entitled "A Supplementary Act to an Act entitled An Act laying an Imposition on Negroes and several sorts of Liquors imported and also on Irish servants to prevent the Importing too great a number of Irish Papists into this Province" made at a Session of Assembly begun and held at the City of Annapolis the twentieth day of March seventeen hundred and thirty four be and is hereby continued and shall remain and be in full force for and during the term of twenty one Years and to the End of the next Session of Assembly which shall happen after the End of the said twenty one Years That another Act of Assembly entitled "An Act for the more effectual Punishment of certain Offenders and for taking from them the Benefit of Clergy" made at a Session of Assembly begun and held at the City of Annapolis the twenty sixth day of April seventeen hundred and thirty seven be and is hereby continued and shall remain and be in full force for and during the term of seven Years and to the End of the next Session of Assembly which shall happen after the End of the said Seven Years. That another Act of Assembly entitled an Additional and explanatory Act to the Act entitled "An Act empowering the Commissioners of the County Courts to levy and raise Tobacco to defray the necessary Charges of their Counties and Parishes" made at a Session of Assembly begun and held at the City of Annapolis the tenth Day of May Seventeen hundred and forty eight be and is hereby continued and shall remain and be in full force for and during the term of seven Years and to the End of the next Session of Assembly which shall happen after the End of the said seven Years. That another Act of Assembly entitled "An Act relating to Guardians and Orphans," made at a

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Session of Assembly begun and held at the City of Annapolis the twenty eighth day of March Seventeen hundred fifty eight be and is hereby continued and shall remain, and be in full force for and during the term of seven Years and to the End of the next session of Assembly which shall happen after the End of the said seven Years That another Act of Assembly entitled "An Act to exempt persons appearing at Musters from arrests in civil Cases" made at a Session of Assembly begun and held at the City of Annapolis the tenth day of May seventeen hundred forty eight be and is hereby continued and shall be and remain, in full force for and during the full term of seven Years, and to the End of the next Session of Assembly which shall happen after the End of the said seven Years. That another Act of Assembly entitled "An Act for Punishment of horse Stealers and other Offenders," made at a Session of Assembly begun and held at the City of Annapolis the first Day of May seventeen hundred and forty four be and is hereby continued and shall be and remain in full force for and during the term of seven Years and to the End of the next session of Assembly which shall happen after the End of the said seven years. That another Act of Assembly entitled "An Act for destroying Wolves in Frederick County" made at a session of Assembly begun and held at the City of Annapolis the fifteenth day of May Seventeen hundred and fifty one be, and is hereby continued and shall be and remain in full force for and during the term of seven years, and to the End of the next Session of Assembly which shall happen after the End of the said seven Years. That another Act of Assembly entitled "An Additional Supplementary Act to the Act entitled An Act relating to Servants and Slaves" made at a Session of Assembly begun and held at the City of Annapolis the tenth day of May seventeen hundred and forty eight be and is hereby continued, and shall be, and remain in full force for and during the term of seven Years and to the End of the next session of Assembly which shall happen after the End of the said Seven Years. That another Act of Assembly entitled "An Act to ease the Inhabitants of this Province and to impower the Justices of the several Counties to bind out the persons therein mentioned Apprentices" made at a Session of Assembly begun and held at the City of Annapolis the first Day of November seventeen hundred sixty six, be and is hereby continued and shall be and remain in full force for and during the term of seven Years and to the End of the next Session of Assembly which shall happen after the End of the said seven Years. That another Act of Assembly entitled "A Supplementary Act to the Act entitled an Act ascertaining what Damages shall be allowed upon Protested Bills of Exchange" made at a Session of Assembly began and held at the City of Annapolis the first day of November seventeen hundred and sixty five be and is hereby continued and shall be and

Liber R. G.  
1773

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Liber R. G. 1773 remain in full force for and during the term of seven Years and to the End of the next Session of Assembly which shall happen after the End of the said seven Years That another Act of Assembly entitled "An Act to oblige infected Ships and other Vessels coming into this Province to perform Quarantine" made at a Session of Assembly begun and held at the City of Annapolis the first day of November seventeen hundred sixty six be and is hereby continued, and shall be and remain in full force for and during the term of three Years and to the End of the next session of Assembly which shall happen after the End of the said three Years. And That another Act of Assembly entitled "An Act for Licensing Ordinary Keepers, Hawkers, Pedlars, and Petty Chapmen" made at a Session of Assembly begun and held at the City of Annapolis the twenty fourth day of May Seventeen hundred and sixty eight be and is hereby continued and shall be and remain in full force for and during the term of seven Years and to the End of the next Session of Assembly which shall happen after the End of the said seven years.

[Proviso.] Provided and be it enacted that the several Lists and Payments required to be returned and made to the Treasurers of the Western and eastern Shores of the Province respectively by the Act last before continued shall from henceforth be returned and made to the Commissioners appointed or to be appointed by virtue of the Act entitled "An Act for emitting Bills of Credit, and other Purposes therein mentioned" by the Times, in the manner and under the same Penalties as the same by the Act hereby continued were to be returned and paid to the Treasurers aforesaid anything in the said Act to the contrary notwithstanding and the Monies which shall be paid to the Commissioners aforesaid by the Sheriffs of the several and respective Counties of this Province shall be placed out at Interest on Loan on Bond with good Security, in the same manner in every Respect as directed, As to the Loan of Bills of Credit by the said Act.

By the Lower House of  
Assembly June 25.<sup>th</sup> 1773.  
Read and Assented to.  
Signed by Order  
Jn.<sup>o</sup> Duckett Clk Lo. Ho.

On behalf of the right  
Honourable the Lord  
Proprietary of this Province  
I will this be a Law.  
Rob.<sup>t</sup> Eden

By the Upper House of  
Assembly June 26.<sup>th</sup> 1773.  
Read and assented to.  
Signed by order  
U Scott Clk Up. Ho.

the Great seal  
in Wax Appendant

No. 3 An Act reviving and continuing an Act entitled an Act for amending  
p. 176 and repairing the Public Roads in Baltimore County

[An Act for repairing the Roads in Baltimore] Be it enacted by the right honourable the Lord Proprietary by and with the Advice and Consent of his Governor and the upper and lower Houses of Assembly and the Authority of the same, That



an Act of Assembly of this Province entitled an Act for amending and repairing the Public Roads in Baltimore County, made at a Session of Assembly begun and held at the City of Annapolis the first Day of November one thousand seven hundred and sixty six be and is hereby revived and continued in full force from and after the End of this present session of Assembly for and during the Term of two years and to the End of the next Session of Assembly which shall happen after the End of the said two years.

Liber R. G.  
1773  
County re-  
vived and  
continued.]

By the Lower House of  
Assembly June 26.<sup>th</sup> 1773.  
Read and assented to  
Signed by Order  
Jn.<sup>o</sup> Duckett Cl. Lo. Ho.

On Behalf of the right  
Honourable the Lord  
Proprietary of this Prov-  
ince I will this be a Law  
Rob.<sup>t</sup> Eden

By the Upper House of  
Assembly June 26.<sup>th</sup> 1773.  
Read and Assented to  
Signed by Order  
U Scott Cl. Up. Ho.

the great Seal  
in Wax Appendant

No. 4 An Act for the Enlargement of Baltimore Town.

Whereas sundry Inhabitants of Baltimore County by their humble Petition to this general Assembly have set forth that there are about Eighty Acres of Land lying on the East and South East part of Baltimore Town very commodiously situated and convenient to be laid out into Lots and made part of the said Town therefore humbly pray that it may be enacted

[Preamble.]

And be it enacted by the Right Honourable the Lord Proprietary by and with the Advice and Consent of his Governour and the upper and lower Houses of Assembly and the Authority of the same That the Commissioners of the said Baltimore Town and Jonathan Plowman Isaac Vanbebber and John Deaver who are hereby appointed Commissioners for the Purposes herein mentioned or the Major part of them do with the Consent of the Proprietors of the said Eighty Acres of Land or thereabouts by Virtue of this Act at any time they shall see convenient before the Twentieth day of October next cause the said eighty Acres of Land or thereabouts to be surveyed and laid out into Lots, Streets lanes and Alleys, in such manner as to them shall seem convenient and any Person or Persons that shall Build or improve on the said eighty Acres of Land or thereabouts after the same shall be laid out into Lots as by former Laws relating to the said Town are directed and purchase the same from the Proprietor or Proprietors shall have an absolute Estate of Inheritance in any Lot or Lots so to be built and purchased but the Purchaser or Purchasers of any part of the said Eighty Acres or thereabouts are hereby left to agree with the Proprietor or Proprietors thereof and not otherwise to have Title to any the said new Lot or Lots to be laid out in Virtue of this Act.

[Commis-  
sioners of  
Baltimore  
Town &c.  
with the Con-  
sent of the  
Proprietors  
of Eighty  
Acres of  
Land, to  
cause the  
same to be  
laid out into  
Lots, Streets,  
&c.]

And whereas there are divers Streets, Lanes, and Allies already laid out on part of the said Eighty Acres of Land or thereabouts

p. 177

Liber R. G. It is hereby enacted that the same be confirmed and that nothing  
 1773 in this Act shall extend or be construed to extend to authorize or  
 [Streets, &c. already laid out, not to be altered.] empower the said Commissioners or any of them to alter or change  
 the same; and that the said Streets, Lanes, and Alleys already laid  
 out and which shall hereafter be laid out in pursuance of this Act  
 shall be Highways and be so deemed and taken to all Intents and pur-  
 poses whatsoever.

[Commis- And be it further enacted that the Commissioners aforesaid or  
 sioners to the Major part of them shall on or before the first Day of December  
 cause a Sur- next cause a correct and accurate Survey and Plat to be made of  
 vey and Plat the said Eighty Acres of Land or thereabouts and of all the Lots  
 to be made Streets Lanes and Alleys which are now laid out on the same and  
 and recorded which shall be hereafter laid out in Virtue of this Act and the said  
 amongst the Plat shall by the order and Direction of the Justices of Baltimore  
 County County cause to be recorded amongst the Records of the said  
 Records, &c.] County on or before the first Day of April next there to remain as  
 Evidence of the Boundaries Situation and Location of the said Lots  
 and of the Streets Lanes and Alleys aforesaid and that when the  
 same shall be done the said Eighty Acres of Land or thereabouts  
 shall be and are hereby declared to be part of Baltimore Town  
 aforesaid to all intents and purposes whatsoever as fully and amply  
 as if included Originally therein and have the same immunities and  
 privileges as the rest of the said Town has or by former Laws  
 ought to have

Saving to his most Sacred Majesty his Heirs and Successors and  
 all Bodies Politick and Corporate and all others not mentioned in  
 this Act their several and respective Rights.

By the Lower House of  
 Assembly June 28.<sup>th</sup> 1773.  
 Read and Assented to.  
 Signed by Order  
 Jn.<sup>o</sup> Duckett Cl. Lo. Ho.

On Behalf of the right  
 Honourable the Lord  
 Proprietary of this Prov-  
 ince I Will this be a Law.  
 Rob.<sup>t</sup> Eden

By the Upper House of  
 Assembly June the 28.<sup>th</sup>  
 1773 Read and Assented  
 to  
 Signed by Order  
 U Scott Cl. Up. Ho.

the great Seal  
 in Wax appendant

No. 5 An Act to prevent counterfeiting the paper Money of other Colonies  
 [Preamble.] Whereas the want of a sufficient Quantity of circulating Specie to  
 Answer the Purposes of Commerce or the Exigencies of Govern-  
 ment hath induced this and most others of the British Colonies in  
 America to circulate certain Paper Notes as the Representative of  
 Specie to pass in payments for limited Periods when the Redemption  
 is provided for the counterfeiting of which is usually made Felony  
 in the respective Governments where they are emitted but it is sup-  
 posed that sundry evil minded persons have lately established Presses  
 in some of the Colonies for preparing Counterfeits of the paper

of others and by that means such forged paper is thrown into circulation with greater Facility and Security to the Authors thereof and it being judged reasonable that neighbouring Countries having intercourse in Trade should provide so far as in them lies against the debasing of their medium of Commerce

Liber R. G.  
1773

Be it therefore enacted by the Right Honourable the Lord Proprietary by and with the Advice and Consent of his Governor and the Upper and Lower Houses of Assembly and the Authority of the same, That if any Person or Persons shall within this Province prepare engrave stamp or print or cause or procure to be prepared engraved stamped or printed the counterfeit Resemblance of any paper Money which now is or hereafter may be circulated in Payments by legislative Authority in any British Colony or Plantation in America with Intention that such counterfeit paper shall be passed in Payments whether the same be so passed or not or if any person or persons shall in this Province pay or tender in Payment, any such counterfeit Money knowing the same to be forged or counterfeited, altered or erased every such person, being lawfully convicted shall be adjudged a Felon and shall suffer Death without Benefit of Clergy.

[Persons within this Province counterfeiting, &c. the Paper Money of any of the British Colonies in America, to be adjudged Felons and suffer Death.]  
p. 178

And be it further enacted by the Authority aforesaid That this Act shall continue and be in force from and after the passing thereof for and during the Term of five Years and to the End of the next Session of Assembly which shall happen after the End of the said five Years.

[Continuance.]

By the Lower House of  
Assembly June 28.<sup>th</sup> 1773.  
Read and Assented to  
Signed by Order  
Jn.<sup>o</sup> Duckett Cl. Lo. Ho.

On Behalf of the right  
Honourable the Lord  
Proprietary of this Province  
I Will this be a Law.  
Rob.<sup>t</sup> Eden

By the Upper House of  
Assembly June 28.<sup>th</sup> 1773.  
Read and Assented to  
Signed by Order  
U Scott Cl. Up. Ho.

the great seal  
in Wax appendant

# No. 6 An Act to enable the Commissioners for Emitting Bills of Credit to provide Stationary for the use of the Upper and Lower Houses of Assembly.

Be it enacted by the Right Honourable the Lord Proprietary by and with the Advice and Consent of his Governor and the Upper and Lower Houses of Assembly and the Authority of the same That the Commissioners for Emitting Bills of Credit for the Time being shall and they are hereby impowered to remit to some Merchant in London the Sum of Thirty Pounds Sterling with Orders to lay out the same (deducting Commissions and Charges) in such Parchment, Paper, Ink Powder, and Quills as the said Commissioners shall direct any Law to the Contrary notwithstanding; which Stationary ware shall be purchased and shipped on the Risque of the Public of this Province and shall on its arrival be to and for the use of the

[Commissioners for emitting Bills of Credit to remit £30 Sterling, to be laid out in Stationary for the use of the Upper and Lower Houses of Assembly.]



Liber R. G. Upper and Lower Houses of Assembly to be expended in the Public  
1773 Business.

By the Lower House of  
Assembly June 28.<sup>th</sup> 1773.  
Read and assented to  
Signed by Order  
Jn.<sup>o</sup> Duckett Cl. Lo. Ho.

On Behalf of the right  
Honourable the Lord  
Proprietary of this Prov-  
ince I Will this be a Law  
Rob.<sup>t</sup> Eden

By the Upper House of  
Assembly June 28.<sup>th</sup> 1773  
Read and Assented to  
Signed by Order  
U Scott Cl. Up. Ho.

the great Seal  
in Wax appendant

No. 7 An Act to continue the Acts therein mentioned

p. 179  
[An Act to  
prevent the  
Sale of  
strong  
Liquors, &c.  
near the  
Yearly Meet-  
ings, and a  
Supple-  
mentary Act  
thereto, Con-  
tinued.]

Be it enacted by the Right Honourable the Lord Proprietary by and with the Advice and Consent of his Governor and the Upper and Lower Houses of Assembly and the Authority of the same that an Act entitled an Act to prevent certain Evils and inconveniences attending the Sale of Strong Liquors and running of Horse Races near the yearly meetings of the People called Quakers and to prevent the tumultuous Concourse of Negroes and other Slaves during the said Meetings made at a Session of Assembly begun and held at the City of Annapolis the eleventh Day of July in the year of our Lord One thousand seven hundred and forty seven and a Supplementary Act thereto made at a Session of Assembly begun and held at the City of Annapolis the twenty third day of June in the year of our Lord One thousand seven hundred and fifty two be and are hereby continued in full force for and during the Term of seven Years and untill the End of the next Session of Assembly and no longer.

[An Act for  
preventing  
the Evil  
occasioned  
by Con-  
tinuance of  
Suits at  
Law, &c.,  
Continued.]

And be it further enacted that an Act entitled an Act for preventing the Evil occasioned by Continuance of Suits at Law, on Sug- gestion of want of Evidence from beyond the Sea made at a Session of Assembly begun and held at the City of Annapolis the seventeenth Day of November in the year of our Lord One thousand seven hun- dred and sixty nine be and is hereby continued in full force for and during the term of seven years and to the End of the next Session of Assembly which shall happen after the Expiration of the said seven Years.

By the Lower House of  
Assembly June 28.<sup>th</sup> 1773.  
Read and assented to  
Signed By Order  
Jn.<sup>o</sup> Duckett Cl. Lo. Ho.

On Behalf of the right  
Honourable the Lord  
Proprietary of this Prov-  
ince I Will this be a Law.  
Rob.<sup>t</sup> Eden

By the Upper House of  
Assembly June 28.<sup>th</sup> 1773.  
Read and Assented to  
Signed by Order  
U Scott Cl. Up. Ho.

the great Seal  
in Wax Appendant

No. 8 An Act for the Relief of John M<sup>c</sup>Lure and others

[Private  
Act.]

Whereas the said John M<sup>c</sup>Lure John Boyd Nathaniel Smith and Robert Henderson of Baltimore County have by their Petition to



this General Assembly set forth That a certain Nicholas Rogers of Baltimore Town in the County of Baltimore and Province of Maryland in virtue of a power in him vested by an Act of Assembly of the said Province and agreeable to the direction thereof by Instruments of Writing for that Purpose duly executed did demise and to Farm let unto the Petitioners certain Parts or Portions of Two lotts or parcels of Ground lying and being in the said Town under and Subject to an Annual Rent to be by them paid together with a Clause of Covenant on the part of the Petitioners therein inserted compelling them to erect on said Ground such buildings as are therein particularly specified within such Time as is therein limited That by omitting to have the said Instruments of Writing Recorded in such Time as the Act of Assembly in such Case provides and directs their Title to the said Ground as they conceive has become doubtful That some short Time after the Execution of the above Instruments of Writing the said Nicholas Rogers removed from the said Town beyond Sea and is now resident in some part of Great Britain which renders it almost Impracticable to procure a Renewment of the same

Liber R. G.  
1773

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And Whereas Henrietta Rogers Mother and Natural Guardian of the said Nicholas Rogers hath concurred in the said Petition

Be it therefore enacted by the Right Honourable the Lord Proprietary by and with the Advice and consent of his Governor and the Upper and Lower Houses of Assembly and the Authority of the same That the Clerk of Baltimore County may and shall record in the Land Records of Baltimore County Court on being paid therefor the several Leases executed by the said Nicholas Rogers to the said John M<sup>c</sup>Lure John Boyd Nathaniel Smith and Robert Henderson in Virtue of the Power vested in the said Nicholas Rogers by any Act of Assembly of this Province and the same when Recorded shall be of the same Effect in Law as if Recorded in the Time prescribed by Act of Assembly.

By the Lower House of  
Assembly June 29.<sup>th</sup> 1773.  
Read and Assented to  
Signed by Order  
Jn.<sup>o</sup> Duckett Cl. Lo. Ho.

On Behalf of the Right  
Honourable the Lord  
Proprietary of this Prov-  
ince I Will this be a Law.  
Rob.<sup>t</sup> Eden

By the Upper House of  
Assembly June 29.<sup>th</sup> 1773  
Read and assented to  
Signed by Order  
U Scott Cl. Up. Ho.

the great Seal  
in Wax Appendant

No. 9 NB./ Bill N.<sup>o</sup> 9 did not pass into a Law.

No. 10 An Act for the Relief of the Poor in Frederick County.

Whereas it appears that the Assessments heretofore made by the Justices of Frederick County for the Support of the Poor within the said County have not been sufficient to answer the purpose thereby intended and that there appears to be a considerable Ballance due from the Trustees of the poor in the said County [Preamble.]

Liber R. G. Be it therefore enacted by the right Honourable the Lord Proprietary by and with the Advice and consent of his Governor, and the Upper and Lower Houses of Assembly and the Authority of the same, That the Justices of Frederick County shall and may, and they are hereby directed and required to levy on the taxable Inhabitants of the said County at their november Court in the present year a Quantity not exceeding twenty Pounds of Tobacco by the Poll, and at their November Court in the Year seventeen hundred and seventy four a Quantity not exceeding fifteen Pounds of tobacco by the Poll together with the Sheriffs Salary of five Pounds Tobacco p Cent for collecting the same which said Tobacco assessed by the Poll as aforesaid in Virtue of this Act shall be collected, Levied accounted for and paid to the Trustees of the Poor for the County aforesaid in the years seventeen hundred and seventy four and seventeen hundred and seventy five respectively and shall be applied by the said Trustees or the Major Part of them to and for the same use & in the same manner as directed by an Act entitled "an Act for the relief of the Poor in the several Counties therein mentioned"

[And afterwards 10 lb. of Tobacco per poll.] And be it further enacted that the Justices of Frederick County shall and may and they are hereby required at every of their November Courts to be afterwards held in their said County to levy and Assess a Quantity not exceeding ten pounds of Tobacco by the Poll together with the sheriffs Salary of five per cent for collection to satisfie and pay the Trustees for the Time being in the County afd for all and every sum or sums of Money which shall by them be expended to and for the support of the poor within the County afd, the same sums of Money so as aforesaid expended being first stated and allowed by the Magistrates of the County afd which said Quantities of Tobacco so as aforesaid to be levied and Assessed shall be collected and paid to the said Trustees and by them applied to and for the same Use, benefit and Charge as they were by former Acts for that purpose made and applied.

[Continu- This Act to Continue seven Years and to the End of the next  
ance.] Session of Assembly which shall happen after the end of the said seven Years.

By the Lower House of  
Assembly June 30.<sup>th</sup> 1773.  
Read and Assented to  
Signed by Order  
Jn.<sup>o</sup> Duckett Cl. Lo. Ho.

On Behalf of the right  
Honble the Lord Pro-  
prietary of this Province  
I Will this be a Law.  
Rob.<sup>t</sup> Eden

By the Upper House of  
Assembly June 30.<sup>th</sup> 1773.  
Read and assented to  
Signed by Order  
U Scott Cl. Up. Ho.

the great seal  
in Wax Appendant

No. II An Act to impower William Bernard and Thomas Jett or either of them to Sell and Convey the Lands therein mentioned agreeable

to the directions of the last Will and Testament of John Morton Jordan Esquire deceased. Liber R. G.  
1773

Whereas it appears to this General Assembly that John Morton Jordan Esquire deceased in his Lifetime contracted with a certain Daniel Wolstenholme for the Purchase of two Acres and one hundred and thirty six square Perches of Land with the Buildings and Improvements thereon lying and being in the City of Annapolis which by his last Will and Testament the said John Morton Jordan directed to be Sold provided a Sum not less than fifteen hundred Pounds Sterling over and above all such Sum or Sums of Money as the said John Morton Jordan in his Lifetime had or his Executors or Administrators after his Death should Pay and advance to a certain Joseph Horatio Anderson for Erecting a Brick dwelling House thereon be got for the same. [A Private  
Act.]

And Whereas since the Death of the said John Morton Jordan by a certain Deed bearing date the twenty ninth day of July in the year of our Lord One Thousand seven hundred and seventy two and Recorded among the Land Records of Ann Arundel County the said Daniel Wolstenholme hath conveyed the aforesaid two Acres and one hundred and thirty six square Perches of Land with the Buildings and Improvements thereon to John Nesbitt Jordan (the son and Heir at Law of John Morton Jordan deceased) who is an Infant of tender years by reason whereof the Intention of the said Testator cannot be complied with and the direction of his said Will carried into Execution

And Whereas application having been made to the General Assembly of this Province to pass an Act empowering Thomas Jett and William Bernard or either of them to Sell and Convey the said Land with the buildings and improvements thereon agreeable to the Intention of the said Testator and the directions of his said Will.

p. 182

Be it therefore enacted by the Right Honourable the Lord Proprietary by and with the advice and Consent of his Governor and the Upper and Lower Houses of Assembly and the Authority of the same that the said Thomas Jett and William Bernard and each or either of them shall and may and are hereby impowered to sell and dispose of the said two acres and one hundred and thirty six square perches of Land with all or any Buildings and Improvements thereon to the best Advantage to any person or persons inclinable to purchase the same and by a good and sufficient Deed or Deeds make over and Convey the said Lands and Improvements thereon to such purchaser or purchasers in fee simple as fully and effectually as if the legal Right and Title to the said Land and the buildings and Improvements thereon were at the Time of the Sale or Sales thereof vested in the said Thomas Jett and William Bernard or either of them and the Monies arising from such sale or Sales to lay out apply and dispose of to the uses and according to the directions in the last



Liber R. G. Will and Testament of the said John Morton Jordan mentioned and  
1773 contained

Provided nevertheless that the said Thomas Jett and William Bernard or either of them do not sell or dispose of the said Land with the Buildings and improvements thereon for less than the sum of fifteen hundred pounds sterling over and above all such sum or sums of Money as the said John Morton Jordan in his Lifetime had or his Executors or Administrators since his decease have payed and advanced to a certain Joseph Horatio Anderson for erecting a brick dwelling House thereon.

And be it further Enacted by and with the advice and consent aforesaid and the Authority of the same That the said Thomas Jett and William Bernard or one of them shall before such Sale or Sales of the said Land with the buildings and Improvements thereon made by them or either of them give Bond with sufficient securities to the Commissary General of this Province in the same manner and form as is usual in Cases of Testamentary Estates with Condition to the same Bond that the said Thomas Jett and William Bernard or one of them shall and will lay out apply and dispose of the Monies arising from such Sale or Sales for and towards the payment and satisfaction of the Debts of the said John Morton Jordan due and satisfied (if any) and to the satisfaction and discharge whereof the personal Estate of the said Testator will not extend and the Over plus thereof lay out apply and dispose of to the uses and according to the directions of the Will aforesaid and the meaning and Intention of this Act.

And be it further Enacted that the said William Bernard and Thomas Jett or either or both of them who shall be active in the said Sale or Sales and negotiating the Monies arising therefrom shall not hereafter claim or charge any Commission whatever for their Trouble or Risque in the said Business they having voluntarily undertaken so to do

And be it further Enacted that Reuben Merywether Administrator with the will annexed of John Morton Jordan be and is hereby indemnified against any Claim that can or may be made by the Creditors Legatees or Heir at Law of the said John Morton Jordan for or by reason of the Sale of the Land and the building and Improvements thereon aforesaid.

By the Lower House of  
Assembly July 2.<sup>d</sup> 1773.  
Read and assented to.

Signed by Order  
Jn.<sup>o</sup> Duckett Cl. Lo. Ho.

On Behalf of the right  
Honourable the Lord  
Proprietary of this Prov-  
ince I Will this be a Law.  
Rob.<sup>t</sup> Eden

By the Upper House of  
Assembly July 2.<sup>d</sup> 1773.  
Read and Assented to

Signed by Order  
U Scott Cl. Up. Ho.

the great seal  
in Wax appendant



No. 12 An Act confirming to James Hendricks of Baltimore County sundry Lands therein mentioned Liber R. G.  
1773  
p. 183  
[A Private Act.]

Whereas James Hendricks of Baltimore County by his humble Petition to this present General Assembly hath set forth that he purchased of a certain Peter Hariman late of the City of Philadelphia a Tract of Land called Winchester Lot containing fifty Acres and also one hundred and sixteen Acres part of a Tract of Land called McGills Choice both lying in S.<sup>t</sup> Thomas parish in Baltimore County for the consideration of two hundred pounds Current Money That the said Peter Harman passed his Bond with Condition to make over and Convey the said Land on payment of the said Sum of Money That the said Peter Harman is dead without Heirs That the Petitioner hath paid to the Executors of the said Harman the Consideration Money That the said Peter Harman being dead without Heirs or if any they being beyond sea in Germany and incapable of inheriting and no provision being made in his Will or Authority given to Convey the above Land the Petitioner prayed that an Act might pass to conform his Title to the said Land as fully as if the said Peter Harman had conveyed the same, And the said Allegations appearing to this General Assembly to be true.

Be it therefore enacted by the Right Honourable the Lord Proprietary by and with the Advice and Consent of his Governor and the Upper and Lower Houses of Assembly and the Authority of the same That the said James Hendricks & his Heirs or Assigns shall and may have hold possess and enjoy the said Tract of Land called Winchester Lot containing fifty Acres of Land and also the one hundred and sixteen Acres of Land part of the said Tract called McGills Choice according to the meets Bounds Courses and distances by which the said Peter Harman held and possessed the same as fully and effectually to all Intents and Purposes as if the said Peter Harman had conveyed and made over the same in his Lifetime to the said James Hendricks in Fee simple agreeable to the Condition of the said Peter Harman his Bond provided always that the Heir at Law of the said Peter Harman shall not be Bound to any other Warranty of the said Lands than from and against the said Peter Harman and his Heirs and all Persons claiming under him or them.

By the Lower House of  
Assembly July 2.<sup>d</sup> 1773.  
Read and Assented to  
Signed by Order  
Jn.<sup>o</sup> Duckett Cl. Lo. Ho.

On behalf of the right  
Honourable the Lord  
Proprietary of this Province I Will this be a Law.  
Rob.<sup>t</sup> Eden

By the Upper House of  
Assembly July 2.<sup>d</sup> 1773.  
Read and Assented to  
Signed by order  
U. Scott Cl Up. Ho.

the great seal  
in Wax appendant

- No. 13 An Act for the Relief of certain Prisoners in the several Jails therein  
 Liber R. G. mentioned  
 1773  
 [Preamble  
 with Names  
 of the Pris-  
 oners re-  
 lieved by this  
 Act.]
- p. 184 Whereas Joseph Floyd of Talbot County Thomas Pierson, Robert Hopkins, Abel Right, John Bowin, Moses Magee, Boston Ale, and Ezekiel Hitchins of Worcester County, Jacob Knight, Oliver Lindsey, John Vears, James Downs, Andrew Long, Leonard Hoyle, George Wolf, Stephen Richards, John Alexander Brown, William James, Benjamin Harrison, Mathew Compton, John Houser, and Edward Bannister of Frederick County, Thomas Swan Jun.<sup>r</sup>, Jonathan Gill, John M<sup>c</sup>Donald, Aquilla Chunn, Henry Simpson, Henry Sickle, Jacob Lanham and Thomas Green of Charles County, John Barron, and Thomas Standage of Prince Georges County, John Messer, John Broderick, and George Bolton of Ann Arundel County Peter Adams, James Button of Dorchester County, John Seward, William Seney, John Nabb, and Edward Crews of Queen Anns County, Samuel Gosnell, Patrick Hennesy, Philip Barnethouse James Woodward, Jacob Stoya, Thomas Smyth, Daniel Harkins, John Taylor, Vachel Worthington, John Hobbs, Gotlip Neeth, Robert Elder, John Lees, Andrew Williams, Edward Preston, Patrick Quigley, John Keating, Owen Keef, George Baxter, Joseph Finley, Jane Johnson, Joseph Robass Rogers, Charles Kees, Thomas Tompkins, Peter Carroll, Joseph Smyth, and Charles Stewart of Baltimore County by their Petitions to this present General Assembly have set forth, That they have respectively continued Prisoners for Debt in the Custody of the Sheriffs of the respective Counties aforesaid for a considerable Time past and still continue in the like deplorable Circumstances not being able to redeem their Bodies with all the Estate or Interest they have in the World which they would readily surrender up and part with to their several and respective Creditors if they would accept of the same and Grant the said Petitioners their Liberty which seems so unlikely for them to obtain that unless relieved by a particular Act to be passed in their Favour, which by their said Petitions they have humbly prayed they must inevitably continue Prisoners for Life; and as the Allegations of the said Petitioners appear to this general Assembly to be true, and that their lying in Jail can be of no advantage to their Creditors, it is humbly prayed that the said Petitioners may be relieved according to their prayers and that it may be Enacted:
- [Prisoners  
 to be dis-  
 charged on  
 delivering up  
 their Effects  
 on Oath.] And be it Enacted by the Right Honourable the Lord Proprietary by and with the Advice and Consent of his Governor and the Upper and Lower Houses of Assembly and the Authority of the same That in Case the said Prisoners shall deliver up and surrender or cause to be delivered up and surrendered to the Sheriffs of the respective Counties aforesaid in the presence of Two Justices of the peace of the Counties aforesaid whom the said Sheriffs are hereby required to summon at the request of the said Prisoners at some

convenient time after the End of this Session of Assembly all their Real and Personal Estate either in possession Reversion Remainder or in Trust or in or unto which they have any Claim or Interest whatsoever and likewise Convey assign transfer and make over unto the Sheriffs respectively for the use of the said Creditors all such their Estate Interest or Claim as aforesaid after such manner as by the said sheriffs, and by the major part of such Creditors or such of them as shall think fit to direct therein or their Counsel learned in the Law shall reasonably devise or require at the Costs and Charges of the Persons who shall claim Benefit thereof, so that the said Prisoners be not burthened with any Warrantees thereby other than against themselves or those claiming by from or under them and that the said Prisoners at the time of such their Surrender and transferring their Estate as aforesaid shall take their solemn Oaths (or affirmation if Quakers) before the said two Justices aforesaid to the Effect following Viz.<sup>t</sup> I A B do affirm or solemnly Swear that the Goods Debts and effects which I have delivered assigned and made over to the Sheriff of                      County in Trust for the use of my Creditors is the whole Estate both real and personal of my own in Possession or that I have any Title to in the world and that I have not any Estate Goods or Effects of any kind whatsoever left either in Possession Reversion or Remainder (the necessary Wearing Apparel of myself, Wife and Children Bedding and Working Tools excepted) and that I have not directly or indirectly Sold leased or otherwise Conveyed disposed of or intrusted all, or any part of my Estate thereby to defraud my Creditors or to secure the same to receive or expect any Profit or Advantage thereof So help me God it shall and may be lawful for the Sheriffs of the Counties aforesaid to discharge the said prisoners and suffer them to go at large

Liber R. G.  
1773

[The Oath.]

p. 185

And be it further Enacted That if the said prisoners or any of them shall be arrested or imprisoned on any Process Sued out on any Judgment or Decree obtained against any of them for any Debt damages or Costs contracted owing or growing due before the End of this Session of Assembly the Court out of which such Process issued shall and may discharge such Prisoner on Motion. And if the said Prisoners or any of them shall be arrested or imprisoned on any process for the Recovery of any Debt Damages or Costs contracted owing or growing due before the End of this Session of Assembly the Court or Justice before whom such Process shall be returned shall and may discharge the Party arrested out of Custody on his or her common appearance being entered without any special Bail Provided That the discharge of the said Prisoners or any of them shall not acquit any other Person from such Debt Damage or Cost or any part thereof but that all such Persons shall be answerable for the same in such manner as they were before the passing this Act,

[To be discharged from future Arrests on Appearance, &c.]



Liber R. G. 1773 Provided always and be it Enacted That notwithstanding the Discharge of the said Prisoners or any of them all and every Debt or Debts due and owing from him her or them and all and every Judgment had or Decree obtained against him her or them shall stand and be good and effectual in Law to all Intents and Purposes against the Lands Tenements and Hereditaments Goods and Chattels of him her or them and which he she or they or any other person in Trust for the Use of him her or them had at the Time of the discharge of the said Prisoners or any of them or which he she or they at any time hereafter shall or may be any way seized or possessed of or interested in to his her or their own use or in his her or their own proper Right, either in Law or Equity (except the wearing apparel Bedding and Working Tools of him her or them not exceeding the sum of Ten Pounds Current Money) and it shall and may be lawful for any of their Creditors their Executors Administrators or Assigns to take out New Execution or Executions without any scire facias previous thereto against the Lands Tenements and other Hereditaments Goods and Chattels of the said Prisoners or any of them (except as before excepted) for the satisfaction of his her or their Debts in such sort manner and Form as he she or they might have done if the said Prisoners or any of them had not been taken in Execution or discharged by Virtue of this Act

[Action of  
Escape.]

And be it further Enacted by the Authority aforesaid That if any action of Escape be brought against any Sheriff, or any suit or Action against any Justice or Justices for their performing their duty in pursuance of this Act he or they may plead the General issue, and give this Act and the special Matter in Evidence and if the Plaintiff be Non Suit or discontinue his Action or Verdict pass against him or Judgment upon Demurrer be rendered against him the Defendant shall have and recover double Costs

[Proviso, as  
to Escape.]

Provided also that nothing in this Act shall extend or be construed to extend to bar any Creditor or Creditors of the before mentioned Prisoners from having and maintaining any action of Escape against any Sheriff who hath permitted any Escape before the making this Act

[In Case of  
Perjury.]

Provided nevertheless That in Case any of the said Prisoners shall at any time after making such Oath or Affirmation as aforesaid be convict of wilful and corrupt Perjury thereupon, or of a Wilful breach or Non Compliance with the Tenor of such Oath or Affirmation as aforesaid, that then the said Prisoner shall upon such Conviction as aforesaid be wholly deprived of any Benefit intended to him her or them by this Act, and shall from thenceforth be liable to be prosecuted for any Debt or Demands whatsoever in the same manner as if this Act had never been made any Thing to the contrary notwithstanding

p. 186  
[Sheriff's  
Fees to be  
first paid.]

Provided also That the respective Sheriffs of the Counties aforesaid shall be first paid and satisfied for their Imprisonment Fees,



before any Creditor or Creditors shall have or receive any share or part of the Estates of the said Prisoners respectively or of the produce thereof Liber R. G.  
1773

And be it further Enacted That after Publick Notice given by Advertisements set up at the Court House Door of the County Thirty days at the least of the sale of any the said Prisoners Lands and five days at the least of the sale of any of the said Prisoners other Estate, the said Sheriffs to whom any of the said Estates, real or personal shall be surrendered and delivered up in pursuance of this Act shall set up and expose such Estates to sale by way of Public Vendue in the presence of one Justice of the Peace and the Produce arising by such Sale shall be by the said Sheriffs in manner following paid and satisfied; that is to say after satisfaction of the aforesaid Imprisonment Fees that the Estate and Interest of the aforesaid Prisoners respectively upon which their Judgment Creditors or on any claiming or that shall claim under them by Assignment or otherwise have or shall have any Lien or the Produce thereof shall be in the first place after satisfaction of the Sheriffs as aforesaid applied to the discharge of the said Creditors according to the Order and Priority of their Judgments and the Lien arising therefrom and that the Residue of the Estate and Interest of the said Prisoners respectively or the Produce thereof shall be distributed among all their Creditors that shall apply therefor within thirty days after the aforesaid Sale in equal Proportion to their demands. [Notice to  
be given on  
the Sale of  
the Prisoners  
Estates, &c.]

And be it further Enacted That all the Accounts Bonds Notes and other Demands which any of the said Prisoners have against any person or persons whatsoever shall be by the said Prisoner or Prisoners assigned to the Sheriff in whose Custody such Prisoner or Prisoners shall be at the Time of their discharge and that such Sheriff or Sheriffs shall and may maintain an Action or Actions on such Demands as Assignee of such Prisoner or Prisoners in his own Name [Bonds, &c.  
belonging to  
the Prison-  
ers, to be as-  
signed to the  
Sheriff.]

Provided always That such Creditor or Creditors require and demand such sheriff to sue, and give to such Sheriff a Bond to indemnify him against any Charge that may accrue to him by means of any such Suit and in Case of Recovery that then the Sheriff make distribution of what shall be recovered, to the Person or Persons giving such Security as aforesaid [Proviso.]

And be it further Enacted by the Authority aforesaid That if any of the persons intended to be relieved by this Act are and shall be of sufficient Ability of Body to labour such Person or Persons not having a Wife or Family as well as the aforesaid George Bolton who hath intermarried since his Commitment to Prison and every other of the Persons aforesaid who have or hath intermarried since his or their Commitment to Prison shall be and are hereby obliged to serve for a Time not exceeding Five years to any Person or Persons who are or shall be inclined to purchase the Time of Servitude [Prisoners,  
if single, or  
married since  
their com-  
mitment to  
Prison, to be  
sold for Five  
Years.]

Liber R. G. of such Debtor or Debtors and that the respective Sheriffs in whose  
 1773 Custody the aforesaid Debtors or any of them are be and are hereby  
 authorized and obliged to Summon two Justices of the peace in the  
 respective Counties at the request of the said Prisoners as soon as  
 conveniently may be after the End of this Session of Assembly and  
 after giving Ten days Notice at the Court Houses of the respective  
 Counties of the intended Sale of such Debtor or Debtors expose to  
 sale in the Presence of the said Justices, such Debtor or Debtors  
 and the Time of his or their servitude to the highest Bidder and  
 the Money arising from such sale shall be as Effects of such Debtor  
 p. 187 or Debtors in the Hands of the respective Sheriffs subject as afore-  
 said to a distribution in manner aforesaid. And the Sale and Service  
 of such Debtor or Debtors as aforesaid is hereby directed to be  
 taken as a full and sufficient Acquittal and discharge against all Debts  
 due from such Debtor or Debtors before such sale. Provided that  
 in Case it shall appear to the Satisfaction of the said Justices that  
 any of the said Debtors have offered since their Confinement to make  
 satisfaction to their Creditors by Servitude and that their Creditors  
 have refused to accept the same That the Time such Debtors have  
 been Confined in Prison shall be deemed and taken as Part of the  
 aforesaid Five Years and that they shall be obliged to serve only  
 for such Time as will Compleat Five Years from the Day of such  
 offer of Servitude and that in Case any such single Persons as afore-  
 said have been confined in Prison for Five Years or any longer Time  
 That the said Persons so confined shall be discharged upon the  
 same terms and in the same manner that Persons having Families  
 are by this Act directed to be discharged

[Proviso.] Provided always that this Act shall not extend to the discharging  
 any Person or Persons herein before mentioned from his her or  
 their Imprisonment for, or by reason of any Criminal Matter what-  
 soever anything therein contained to the contrary notwithstanding

By the Lower House of  
 Assembly July 2.<sup>d</sup> 1773.  
 Read and Assented to  
 Signed by Order  
 Jn.<sup>o</sup> Duckett Cl. Lo. Ho.

On Behalf of the right  
 Honourable the Lord  
 Proprietary of this Prov-  
 ince I will this be a Law.  
 Rob.<sup>t</sup> Eden

By the Upper House of  
 Assembly July 2.<sup>d</sup> 1773.  
 Read and assented to  
 Signed by Order  
 U Scott Cl. Up. Ho.

the great seal  
 in wax appendant

#### No. 14 An Act for the better regulating Attachments

[Preamble.] Whereas it is found by experience that the Laws now in being  
 directing the manner of suing out Attachments are not framed so  
 as to afford equal Justice to Creditors but commonly some of the  
 Creditors secure their whole Claims whilst others suffer a total Loss  
 and frequently doubtful and suspicious Claims take place of honest  
 Debts by Contrivance and Fraud between absconding Persons and  
 their Friends for remedy whereof for the future

Be it Enacted by the Right Honourable the Lord Proprietary by and with the advice and Consent of his Governor and the Upper and Lower Houses of Assembly and the Authority of the same that from and after the first day of December next whenever it shall happen that any Person whatsoever of this Province being indebted within this Province shall actually run away abscond or fly from Justice or secretly remove him or herself from his or her place of abode or shall remove or be about to remove any of his or her Effects with Intent to defraud his or her Creditors any one Creditor to whom the said absconding Person is indebted in the sum of fifty Shillings Current Money or four hundred Pounds of Tobacco or upwards over and above all discounts may make application to any Provincial or County Justice and on such Creditors making Oath or affirmation if a Quaker that the said absconding Person is bona fide indebted to him or her in the sum of

over and above all Discounts and at the same Time producing the Bond or Bonds Bill or Bills Protested Bill or Bills of Exchange Promissary Note or Notes or other Instrument or Instruments of Writing Account or Accounts by which the said absconding Person is so indebted which Probate or Affirmation as aforesaid shall be indorsed thereon and the said Creditor also making Oath or affirmation as aforesaid that he or she doth know or is credibly informed and verily believes that the said absconding Person is actually run away or fled from Justice or removed from his or her Place of abode or hath removed or is about to remove some of his or her Effects with an Intent to Injure and defraud his or her Creditor or Creditors of their just dues which departure or running away or removal or attempt to remove Effects shall also be proved by one other credible Witness the said Provincial or County Justice on such Oath or Affirmation and such other proof made shall be and is hereby fully authorized and required forthwith to issue his Warrant to the Clerk of the Provincial or County Court (as the Case may require) to issue an Attachment or Attachments pursuant to this Act upon the receipt of which Warrant together with the proofs on which the same was granted and not otherwise the Clerk of the Provincial or County Court as the case may require shall issue a Writ of Attachment if in the County Court to the sheriff of that County if in the Provincial Court to the Sheriff or Sheriffs of the County or Counties where the Goods Chattels Books Papers or Effects of such absconding Person shall be suggested to be by such Creditor to Attach seize take and safely keep all the whole Personal Estate of the said absconding Person of what kind or nature soever and every or any part thereof in the said Sheriffs Bailiwick or Bailiwicks respectively to be found with all Evidences Books of Accounts and papers relating thereto which Writ or Writs of Attachment so to be issued the respective Sheriff or Sheriffs to whom the same shall be directed

Liber R. G.  
1773  
[If any Person indebted absconds or removes his Effects, &c. One Creditor may apply to a Provincial or County Justice, &c.]

p. 188

[Who is to issue his Warrant to the Clerk, &c. to issue a Writ of Attachment to the Sheriff, &c.]



Liber R. G.  
1773  
[Sheriff to  
execute said  
Writ, and  
make an  
Inventory,  
&c.]

are hereby required authorized and Commanded well and faithfully to execute and forthwith to make with the assistance of two Substantial Freeholders on Oath not being Creditor or Creditors which Freeholders the said sheriff is hereby required and impowered to summon or swear for that purpose a just and true Inventory and Appraisement of all such Goods and Chattels as he shall seize and take by Virtue thereof and return the same together with a Schedule of the said Evidences Books of Account and Papers signed by himself and the said Two Freeholders with the Writ of Attachment to the Court to which the said Writ is returnable And the said Sheriff shall be paid his reasonable Account of Charges and Expenses in safe keeping the said Goods and Chattels so seized and Attached over and above a Commission at the rate of Three pounds per Centum on the value or amount of the said Inventory by the Owner of the said Goods if the Attachment should be dissolved or by the Trustees hereinafter mentioned if Trustees should be appointed

[And to be  
paid rea-  
sonable  
Charges,  
over and  
above a  
Commission  
of 3 per  
cent.]

[Creditors  
to give pub-  
lick Notice  
of Attach-  
ment being  
issued, &c.]

And be it Enacted that immediately upon the issuing of any such Attachment the Creditor or Creditors who procured the same shall give Publick Notice by Advertisement set up at the Court House Door of the County where returnable if issued out of the County Court or in the Maryland Gazette if returnable to the Provincial Court of such Writ of Attachment having been issued and that unless the absconding Person shall return and discharge his or her Debts or give Bail according to this Act all his or her real and personal Estate will be sold for the satisfaction of his or her Creditors

[Debtors,  
&c. of  
absconding  
Persons,  
after Notice,  
&c. paying  
them the  
Debts, are  
liable to  
repay the  
same.]  
p. 189

And be it further Enacted by the authority aforesaid That if any Debtor or Debtors of the aforesaid absconding Person or the Bailee or Bailees or other Possessor or Possessors of his or her Goods or Effects after actual Notice of the Issuing of such Attachments or after Thirty Days from the Time of setting up such Advertisement or inserting the same in the Gazette as aforesaid respectively shall pay the said Debt or Debts or Deliver the said Goods or Effects to the said Absconding Person or to any other Person or Persons whatsoever to his or her use the said Person or Persons so paying the said Debt or Debts or Delivering the said Goods or Effects shall be Deemed and adjudged to have paid the same Debt or Debts or Delivered the said Goods or Effects fraudulently and in their own wrong and hereby are made liable to answer the same or the amount or Value thereof to such person or persons who shall by Virtue of this Act be impowered to receive and dispose of the Estate or Estates of the said Absconding person towards the satisfaction of his or her Creditors And in Case the Person or Persons so indebted to the said Absconding Person or the Bailee or Bailees or other possessor or possessors of his or her Goods or Effects shall after the said Notice be sued by him or her for the said Debt or Debts Goods



or Effects he she or they so sued may Plead the General issue and give this Act the special matter in Evidence.

Liber R. G.  
1773

And be it further Enacted by the Authority aforesaid that all Sales made by the said absconding Person of his or her Estate Lands goods or Chattels after such Actual Notice or After thirty days from the Time of setting up such Advertisement or inserting the same in the Gazette as aforesaid respectively are hereby Declared to be null and Void to all intents constructions and purposes whatsoever any Law usage or Custom to the Contrary notwithstanding.

[Sales made by absconding Persons after Notice to be null and void.]

And be it further Enacted that in Case such absconding person shall return and Discharge all his or her Debts or otherwise compound with or satisfy all his or her Creditors on or before the third Day of the Court to which such Attachment shall be returnable or shall on or before that Day give good and sufficient special Bail either in the Court to which such Attachment shall be returnable or before one Justice of the Provincial Court or the president or any two Justices of the County Court to answer the several Claims of all Creditors that shall file their Declarations against such Absconding person as well in the Provincial Court the first Term thereafter as in the County Court to which such Attachment shall be returnable in the two next Terms thereafter and also pay the Sheriffs expences and fees before mentioned such Attachment shall by award of the Court to which it shall be returnable be dissolved and the Absconding Person be fully restored to every thing attached. And in case such Bail shall be given as aforesaid the Justice or Justices before whom the same shall be taken if out of Court shall Certify the Caption thereof to the Court to which such Attachment shall be returnable and any person or persons may Declare against such Absconding person either in the Provincial Court the first Term or in the County Court the first or second Term after special Bail so given without further or other process and such Manucaptor or Manucaptors shall be Chargeable and liable as if they had become Special Bail in every Several Action. And in Case such Absconding Person shall not compound with or pay and satisfy his or her Creditors or give special Bail as aforesaid it shall and may be Lawfull for the Provincial County Court respectively where the said Writ of Attachment shall be returned as aforesaid and they are hereby required and impowered to Nominate Appoint and Commission three fit persons to be trustees for all the Creditors of the said Absconding person which persons or any two of them so nominated and appointed trustees by the said Court shall be and are hereby fully impowered and authorized to take into their Hands all the whole Estate or Estates as well real as personal and all Evidences Books of Accounts and Papers relating thereto of the absconding person seized as aforesaid or any where being or lying or which they may afterwards discover to be or lie in any part of this Province and to

[Absconding Persons discharging the Debts or giving Bail, &c. Attachment to be dissolved.]

[Absconding Person not satisfying his Creditors, or giving Bail, Provincial or County Court to nominate Trustees, who are to take the Estate into their Hands, and make Sale thereof.]  
p. 190

Liber R. G. 1773 make sale of such real and Personal Estate by Publick Vendue after thirty Days Publick Notice at the least and of all the Interest of the said Absconding person in the same and Deeds Bills of Sale and other Conveyances to make and Execute which Deeds and Conveyances and every of them so made and executed for the Estate be it Legal or Equitable real or personal of such absconding person or any part or parcel thereof shall be good Valid and Effectual in Law to all intents and purposes whatsoever against the said Absconding person his or her heirs Executors and Administrators and all Person and Persons claiming by from or under him her or any of them who could not under the Laws now in being and this Act Defend his her or their Property Estate and Possession against the Creditors of the said Absconding person.

[Trustees to  
give publick  
Notice of  
their Ap-  
pointment,  
and therein  
require  
Persons in-  
debted to  
pay, &c.]

And be it Enacted by the Authority aforesaid that the said Trustees or any two of them so as aforesaid Appointed shall immediately thereafter if appointed by the County Court give Publick Notice by Advertisement at the Court House Door and if by the Provincial Court then in the Maryland Gazette of such their Appointment and therein require all persons Indebted to the said Absconding person by a certain Day by them to be appointed in their said Notice to pay all such sum or Sums of Money and Tobacco which they owe to the said Absconding person or persons and deliver all other Effects which he she or they may have in their Hands Power or Custody belonging to such absconding person as aforesaid and all Books of Accounts Papers or Evidences whatsoever relating thereto to them the said Trustees and the said Trustees or any two of them shall be and are hereby Enabled and made Capable to sue for Recover and Receive in their own name or names all such Estate and Estates as well real as personal Debts and other Effects Books Evidences and Papers as they shall find due or belonging to the said absconding Person and the same when received shall apply as herein after directed and the said Trustees may and shall also take advantage of all Conditions in Favour of the said absconding Person and make Tenders to save Penalties or defeat Conditions as the said absconding person might have done and be invested with all equitable as well as Legal Interests that the said absconding Person had.

[Proviso.]

Provided nevertheless that the said Trustees shall not bring any Suit or Suits in the Chancery Court for any Equitable Matter unless at least two thirds in Value of the Creditors (with respect to their Claims) agree thereto, unless at the sole and separte Cost and for the sole and separte Benefit of the Creditors at whose Instance such suit is brought when less than two thirds in value require the same And in Case any Person indebted to the said absconding Person or having other Effects of his or hers in his her or their Hands shall conceal the same and not deliver a just Account thereof to the said Trustees

[Persons in-  
debted, &c.  
not deliver-  
ing a just  
Account,  
Trustees to  
bring Suit,  
&c.]

by the Day appointed by them as aforesaid it shall and may be lawful and the said Trustees are hereby impowered and required to bring Suits in their own Names as Trustees aforesaid in any Court of Record in this Province for the recovery thereof for the use of the Creditors aforesaid which said Courts are hereby fully impowered to compel to come before them all such Debtors Concealers and others concerned and them to examine on Oath (if need be) touching the Premises and to commit them if they refuse to be so examined and the said Trustees or any two of them are hereby fully impowered to settle and adjust all matters and accounts that may be subsisting between the said absconding Person and his or her Debtor or Debtors and also between the said absconding Person and his or her Creditor or Creditors which settlement and adjustment of accounts shall be in money and to examine any Person or persons upon Oath concerning such Accounts and settlements which Oath the said Trustees or any two of them are hereby impowered and required to administer

Liber R. G.  
1773  
p. 191

Provided always and be it Enacted that in Case any Creditor or Pretended Creditor shall think him or herself aggrieved by the Trustees not allowing his claim or any part thereof or by their making any Discount thereout for any Matter claimed in Right of the absconding person and shall appeal to the Court from whence such Commission issued such disputed claim or Discount shall not be finally determined by the Trustees but referred to the Court at the next meeting thereof and under the direction of that Court an Issue shall be framed and tryal thereof by Jury had thereon the Court shall give final Judgment and the same mode of Proceeding shall likewise be had where at least two thirds in Value of the Creditors of such absconding person object to the Trustees settlement of any Claim or Account with any Creditor or pretended Creditor or to the settlement made by the said Trustees of the Quantum of any Debt or Debts due to such absconding person.

And be it further Enacted by the Authority aforesaid that any person or Persons (other than those who have their Effects in their Hands and other than Creditors) who shall discover any Effects of the said absconding Person so concealed contrary to the True Intent and meaning of this Act so that they be recovered by the said Trustees shall be paid by the said Trustees as a Reward for such discovery such sum as the said Trustees or any two of them shall think reasonable not exceeding Ten pounds p Centum on the Value of all Effects so discovered and recovered.

[Persons  
discovering  
concealed  
Effects to be  
paid a Re-  
ward not  
exceeding 10  
per Cent.]

And be it further enacted that the said Trustees or some two of them shall within sixty Days at farthest from the Time of their Appointment to the said Trust give public Notice in the Maryland Gazettee where their Commission Issued out of the Provincial Court or by Advertisement set up at the Court House Door of the County

[Trustees,  
after Notice,  
to proceed to  
make a  
Dividend,  
&c.]



Liber R. G. where their Commission issued out of the County Court that the said  
 1773 Trustees are ready to make a Dividend among the Creditors of the  
 absconding Persons Estate and therein desire all the Creditors to  
 meet at a certain Time and place in such Notice to be mentioned  
 which shall not be less than one nor more than three Months after  
 such notice; at which Meeting or any subsequent Meeting necessary  
 for that Purpose to be continued by Adjournments when all accounts  
 are fairly stated and adjusted the said Trustees or any two of them  
 shall proceed to pay all the Creditors what shall appear to them or  
 any two of them to be justly due, if there be money sufficient to  
 answer the whole after all legal Charges are deducted in which Pay-  
 p. 192 ments no preference shall be allowed and if there be not sufficient to  
 discharge the whole each Creditor shall be abated in proportion to  
 the Debt due to him and if there be any surplus the same shall be  
 paid unto the said absconding person or to his or her Attorney or  
 Attorneys Executors Administrators or Assigns and such Trustees  
 or such of them as shall Act shall render to the Court from whence  
 [and render an Account of their Proceedings to the Court, &c.] their Commission issued a just and true account upon Oath or  
 Affirmation if a Quaker or Quakers of all their Proceedings in the  
 Premises to be filed and kept in the said Court for the satisfaction  
 of all parties concerned and in Case sufficient Estate of the ab-  
 sconding person shall not come to the Hands of the said Trustees  
 nor be reduced into Money at the time of making the first dividend  
 to satisfy the whole of the Creditors and thereafter any Debts should  
 be recovered by them the said Trustees or any of the absconding  
 Persons Estate come to their Hands the same shall be reduced to  
 money and distributed together with such Part as was not before  
 reduced into money in manner aforesaid after such Notice as  
 aforesaid.

[Proviso.] Provided always that no Sale shall be made of any Lands Tene-  
 ments or Hereditaments where the Personal Estate seized or which  
 may be seized and Debts received are sufficient to satisfy all the  
 Creditors and Costs and that no more of the effects of any abscond-  
 ing person shall be sold than may be deemed as near as may be  
 together with Debts received sufficient to satisfy his or her Creditors  
 with Costs and all the remaining part of the Effects seized together  
 with the Overplus Money (if any there be) shall be delivered back  
 by the said Trustees to the owner or owners thereof or to his or  
 her Attorney or Attorneys administrators or Assigns.

And Whereas it may often happen that absconding Persons may  
 be indebted but by the Terms of their Contracts the Debts may  
 not be demandable till after the Time of the Dividend made & many  
 Times Suits may be depending undetermined when the Trustees  
 are obliged to make the said Dividends

It is therefore hereby enacted that the said Trustees may allow  
 and take into all such Dividends all just Debts although the time



of Payment be not incurred deducting thereout at and after the Rate of six Per Cent Per Annum from the Time of such Dividend struck to the time at which by contract the Debt ought to be paid and that over and above ten Pounds Per Centum for the first hundred Pounds and seven pounds ten shillings for every hundred Pounds thereafter and so pro rata on the whole Sum which shall come to the Hands of the said Trustees which the said Trustees are hereby empowered in all Cases to retain in their Hands for their Commission and as a Reward for their services they may also retain in their Hands a reasonable Sum where any suits by them as Trustees are depending to Indemnify and secure themselves against the Costs of such Suits.

Liber R. G.  
1773  
[Trustees to take into the Dividends all just Debts, although the Time of Payment be not incurred, &c.]

And be it further Enacted that the Trustees to be appointed in Virtue of this Act shall be subject to such Orders and directions as shall from Time to Time be made in the Court from whence their Commission issued for the more effectual putting this Act in Execution, and on the Death of any of the said Trustees or their or any of their refusal to Act the Court from whence such Commission issued shall and is hereby empowered to issue a new Commission to such person or persons as to the same Court shall seem expedient to Act in the place or stead of any such Trustee so Dead or who shall Refuse to Act and such Court is likewise hereby empowered to displace any Trustee or Trustees for Negligence or Misbehaviour and to put and place others to act in their stead and the whole power of such displaced Trustee shall thenceforth cease and the Trustee so displaced shall immediately deliver over to the other Trustees All the Estate of the said Absconding person and all Books and papers concerning the same in his Hands Custody or power touching which he may be examined on Oath by the Court and on his Refusal to submit to such Examination or to make such Delivery shall be committed to Close prison till he doth the same.

[Trustees subject to the Directions of the Court, &c.]

p. 193

And be it further Enacted that where Attachments shall be issued both out of any County Court and the Provincial Court against one and the same absconding Person then and in such Case upon application made to the Provincial Court or any one Justice thereof a Certiorari shall issue to remove the Proceedings of the County Court before the Provincial Court and on the return of such Certiorari the Provincial Court shall proceed therein and the Trustees appointed by that Court shall be invested with all the Personal Estate and Papers seized by Virtue of the Attachment issued out of the County Court as if the same had been seized by Virtue of the Attachment issued out of the Provincial Court and where Attachments shall issue out of the Provincial Court and any County Court to the Sheriff of one and the same County the Sheriff shall in such Case execute that Writ only that comes first to his Hands.

[Where Attachments shall be issued, both out of the County and Provincial Court, a Certiorari shall issue to remove the Proceedings, &c.]

And be it further Enacted that before any Trustee shall execute

Liber R. G. any of the powers given by this Act (other than that of giving Notice  
 [Trustees to<sup>1773</sup> of the appointment as aforesaid) he shall take his solemn Oath (or  
 be on Oath, affirmation if a Quaker) before some Provincial or County Justice  
 &c.] any of whom are hereby impowered and required to Administer the  
 same well and truly to execute the Trust reposed in him according  
 to the best of his skill and understanding and the Justice who ad-  
 ministers such Oath or Affirmation is hereby required to endorse  
 and sign a Certificate thereof on the back of the said Trustees  
 Commission.

And Whereas it may often happen that Persons very Unsafe in  
 their Circumstances may be largely Indebted to or have in their  
 Hands Effects to Considerable Value of the Persons against whom  
 an Attachment may be hereafter issued as aforesaid and before the  
 said Debts or Effects can be secured for the Creditors in theordi-  
 nary Course prescribed by this Act the said Persons so indebted  
 may abscond and the Debts or Effects be entirely lost, For pre-  
 vention whereof,

[Any unsafe Person, in-  
 debted, &c.  
 to the Per-  
 son against  
 whom At-  
 tachment  
 shall have  
 issued, a  
 Writ of  
 Trespass  
 may be  
 issued  
 against him,  
 &c.] Be it Enacted That when any Attachment shall hereafter be  
 issued in Virtue of this Act upon application made by any Creditor  
 to a Justice of the Provincial or County Court it shall and may be  
 lawful for such Justice and he is hereby required on Oath or Affirma-  
 tion made by the Creditor that he verily believes or has good reason  
 to suspect that such unsafe Person is indebted to or Holds goods  
 or Effects in his or her Hands of the person against whom the said  
 Attachment shall have issued as aforesaid to the Value specified in  
 such Oath to give an order or Warrant under his Hand setting forth  
 such Oath and the sum or Value of the Debt or Goods believed or  
 suspected to be due or held directed to the Clerk of the Provincial  
 Court or County Court where such unsafe person shall reside to  
 Issue a Writ of Trespass on the Case against such unsafe person  
 to answer unto the Trustees to be appointed under the said Attach-  
 ment so issued; and the said Clerk shall and is hereby required to  
 indorse on the said Writ that the Sheriff shall hold the Defendant  
 to Bail in double the Sum so set forth in the said Justices Warrant  
 which said Indorsement the Sheriff is hereby obliged and required  
 to comply with And the said Defendant shall be obliged to give  
 special Bail to such writ which Writ and the proceedings thereon shall  
 be held and deemed to be as good and available in Law as if the Plain-  
 tiff were particularly named therein And the Trustees when appointed  
 under the said Attachment shall and may declare and Proceed to  
 Issue Judgment and Execution in the Cause,

p. 194

[Proviso.] Provided always that if the Defendant in such Case give Bail and  
 Judgment at the Appearance Court he shall not be burthened with  
 the Plaintiffs Costs.

And be it further Enacted that such parts of an Act of Assembly of this Province entitled an Act for the relief of Creditors and to prevent Frauds and Deceits Occasioned by secret Sales, Mortgages and Gifts of Goods and Chattles as relate to the issuing Attachments shall from and after the first Day of December next be and are hereby repealed and made Void any thing in the said Act or any other Law, Usage or Custom to the Contrary notwithstanding

Liber R. G.  
1773  
[Part of an  
Act for the  
Relief of  
Creditors,  
&c. re-  
pealed.]

Provided nevertheless and be it Enacted that this Act nor any thing herein contained shall extend or be construed to extend to make void or in any manner annul any attachment whatsoever already Issued or that shall issue before the said first day of December next or any proceeding whatsoever thereon But that all such Attachments shall and may be proceeded on to Judgment and Execution as if this Act had not been made any thing herein before contained to the contrary notwithstanding

[Proviso.]

And be it further Enacted That this Act shall be construed beneficially for the Creditors in all Courts of Justice within this Province and be and remain in full force for and during the Term of seven Years and unto the End of the next Session of Assembly which shall happen after the expiration of the said seven Years.

[Construc-  
tion and  
Continuance  
of this Act.]

By the Lower House of  
Assembly July 2.<sup>d</sup> 1773.  
Read and Assented to.  
Signed by Order  
Jn.<sup>o</sup> Duckett Cl. Lo. Ho.

On Behalf of the Right  
Honourable the Lord  
Proprietary of this Prov-  
ince I Will this be a Law  
Rob.<sup>t</sup> Eden

By the Upper House of  
Assembly July 2.<sup>d</sup> 1773.  
Read and Assented to  
Signed by Order  
U Scott Cl. Up. Ho.

the great Seal  
in Wax appendant

No. 15 An Act to enable the Representatives of Deceased Treasurers to pay over the Ballances in their Hands

Whereas the Executors or Administrators of several of the late Treasurers have Ballances of the Publick Money in their Hands which they Neglect or Refuse to pay either to the Free schools or otherwise alledging there is no Law to Justify them in so doing.

[Preamble.]

Be it therefore Enacted by the Right Honourable the Lord Proprietary by and with the Advice and Consent of his Governor and the Upper and Lower Houses of Assembly, and the Authority of the same, that from and immediately after the end of this present session of Assembly, the Executors, Administrators or other legal Representatives of Deceased Treasurers shall and they and every of them are hereby obliged and required to pay over all the Publick Money in their Hands respectively to the Treasurers of the Eastern and Western Shore for the Time being, and so in all Times to come upon the Death or Removal of a Treasurer the Publick Money in his Hands shall be and is hereby directed to be paid Over to the succeeding

[Representa-  
tives of de-  
ceased Trea-  
surers to  
pay the pub-  
lick Money  
in their  
Hands to the  
Treasurers  
for the Time  
being.]



Liber R. G. Treasurer to be by him kept and disposed of according to Law; for  
 1773 which Money when so Received the Treasurers Bond of such Person  
 so Receiving shall be liable

[Commis- And be it further Enacted that the Commission arising on the  
 sion on Receipt and Payment of said Monies shall be equally divided between  
 Receipt and the Executors or Administrators of the deceased Treasurer and the  
 Payment to Present Treasurer receiving the same any Law or Usage to the  
 be equally divided, etc.] Contrary notwithstanding. And that such Executor or Administra-  
 p. 195 tor when he makes such Payment shall charge himself with one  
 half the Commission aforesaid where the same has been drawn on  
 Receipt of the Moneys and shall pay over the Ballance with such  
 Addition of one half Commission.

By the Lower House of  
 Assembly July 2.<sup>d</sup> 1773.  
 Read and Assented to  
 Signed by Order  
 Jn.<sup>o</sup> Duckett Cl. Lo. Ho.

On Behalf of the right  
 Honourable the Lord  
 Proprietary of this Prov-  
 ince I Will this be a Law.  
 Rob.<sup>t</sup> Eden

By the Upper House of  
 Assembly July 2.<sup>d</sup> 1773.  
 Read and Assented to  
 Signed by Order  
 U Scott Cl. Up. Ho.

the great Seal  
 in Wax appendant

I do hereby Certify that Reverdy Ghiselin Clerk for the Provincial  
 Court and Secretarys Office of the Province of Maryland this Day  
 Personally appeared before me the Subscriber one of his Lordships  
 the Right Honourable the Lord Proprietary of the Province afore-  
 said his Counsel of State and made Oath on the Holy Evangels of  
 Almighty God that he Carefully Examined all the Laws contained  
 in this Book from folio 171 to Folio 195 with the Original Acts that  
 Passed the Great Seal

Sworn to this 18th Day of October 1773.

Before Geo Steuart



The Seal of the Provincial Court is hereto affixed on  
 Behalf of Daniel Dulany Esquire Secretary of Mary-  
 land by

Reverdy Ghiselin Clk of the Prov. Court &  
 Secretarys Office



## APPENDIX



APPENDIX I

ORDER OF HIS MAJESTY'S COUNCIL FOR ROBERT  
EDEN TO QUALIFY AS GOVERNOR OF  
MARYLAND, MARCH 5, 1773

[SEE INTRODUCTION, P. xiii]

At the Court at S.<sup>t</sup> James's  
the 5.<sup>th</sup> Day of March 1773.

Present

The Kings most Excellent Majesty

Lord President	Earl of Sandwich
Duke of Queensberry	Earl of Rochford
Earl of Suffolk	Earl of Dartmouth
Earl of Denbigh	Viscount Falmouth

Whereas there was this Day read at the Board, a Report from the  
Right Honourable the Lords of the Committee of Council for  
Plantation Affairs dated the 2.<sup>nd</sup> of this Instant in the Words fol-  
lowing—Viz.<sup>t</sup>

MS Vertical  
File, Md.  
Hist. Soc.

“Your Majesty having been pleased by Your Order in Council of the 15.<sup>th</sup> of January last to referr unto this Committee, the Representation of the Reverend Doctor John Moore, Dean of Canterbury, and Hugh Hamersley and Peter Prevôt Esquires, Guardians appointed by the High Court of Chancery of the Estate and Person of Henry Harford Esquire, Lord proprietary of the Province of Maryland, an Infant under the age of Twenty one Years, for and in behalf of the said Infant, Setting forth, That Frederick late Baron of Baltimore in the Kingdom of Ireland, late Lord proprietary of the Province of Maryland, did by his Commission or Instrument of Appointment under his Hand and Seal at Arms, bearing Date the 1.<sup>st</sup> of August 1768, nominate and appoint his Brother in Law Robert Eden Esquire Lieutenant General and Chief Governor of the said Province of Maryland with such and the like powers and Authorities as have been heretofore usually granted to the Lieutenant Governors of the said province, which Commission was duly approved by Your Majesty, pursuant to the Statute of the 7.<sup>th</sup> and 8.<sup>th</sup> of King William the Third; and the said Robert Eden having thereupon Qualified himself for the said Trust, in such manner as the Law requires, entered upon, and hath ever since exercised the Government of the said Province; That on the 4.<sup>th</sup> of September 1771 the said Frederick late Lord Baltimore departed this Life at Naples, having duly made and Published his last Will and Testament in Writing, wherein he gave devised and

limited the said province and its appendages, unto and to the use of the said Henry Harford and the Heirs—Male of his Body with Remainders over; That the Petitioners have been appointed by the High Court of Chancery, Guardians of the Person and Estate of the said Henry Harford, who is now in the fifteenth Year of his age; That the appointment made by the said Frederick late Lord Baltimore of the said Robert Eden to the said Government being determined by His Lordships Death, the petitioners have with the Concurrence and approbation of the said Henry Harford the Infant again nominated the said Robert Eden who is now resident in the said province, to the Government thereof, Subject to Your Majestys Royal Approbation; The Petitioners therefore for and in behalf of the said Henry Harford the Infant, humbly pray Your Majestys Royal Approbation and Allowance of the said Robert Eden to be the Lieutenant Governor of the said province of Maryland pursuant to the said Statute of the 7.<sup>th</sup> and 8.<sup>th</sup> of King William the third—The Lords of the Committee in obedience to Your Majestys said Order of Reference, this Day took the said Representation into Consideration, and having heard the agents, as well for the petitioners as for John Browning Esquire who intermarried with the Honourable Louisa Calvert and for Robert Eden Esquire and the Honourable Caroline his wife (the said Louisa and Caroline being the Sisters and Heirs at Law of the said Frederick Lord Baltimore deceased) do agree humbly to Report as their opinion to Your Majesty that it may be adviseable for Your Majesty to approve of the said Robert Eden to be Lieutenant Governor of the said province of Maryland; provided he qualifies himself for that Trust in such manner as the Law requires, and gives sufficient Security in the penalty of two thousand Pounds Sterling before Your Majestys Governor of Virginia, or the Lieutenant Governor or Commander in Chief of that Province for the time being, for his the said Robert Edens observing the several Acts of Trade and Navigation and obeying such Instructions relating thereto as shall be from time to time sent to him by Your Majesty or any Acting under your Royal Authority.”

His Majesty taking the said Report into Consideration, was pleased, with the advice of His Privy Council, to approve of the said Robert Eden to be Lieutenant Governor of the said Province of Maryland. But it is His Majestys Pleasure, that the said Robert Eden, should Qualify himself for that Trust in such “manner as the Law requires”, and give sufficient Security in the penalty of two thousand pounds Sterling before His Majestys Governor of Virginia or the Lieutenant Governor or Commander in Chief of that Province, for the time being, for his the said Robert Edens Observing the several Acts of Trade and Navigation, and obeying



such Instructions relating thereto, as shall be from time to time sent to him by His Majesty or any Acting under His Royale Authority

N: Blair.

## APPENDIX II

AMOUNT OF TONNAGE OF VESSELS ENTERING  
MARYLAND FROM SEPT. 29, 1769, TO  
SEPT. 29, 1771

[SEE INTRODUCTION P. xxii]

Amount of Tonnage of all the Vessells as well Foreign as free Bottoms, that entered in the different Ports of Maryland from 29 September 1769 to 29 September 1770, those from Virginia excepted

MS Vertical  
File, Md.  
Hist. Soc.

	N. <sup>o</sup> of Tons.
North Patowmack .....	5928½
Patuxent .....	4251..
Annapolis &c .....	13558.
Oxford .....	3139
Pocomoke .....	1756
Total .....	<u>28,632½</u>

Amount of Tonnage of all the Vessells as well Foreign as free Bottoms, that entered in the different Ports of Maryland from 29th September 1770, to the 29 September 1771, those from Virginia excepted.

	N. <sup>o</sup> of Tons.
North Patowmack .....	7463
Patuxent .....	5031.
Annapolis .....	13438
Oxford .....	3053
Pocomoke .....	2518.
Total .....	<u>31,503</u>

## APPENDIX III

PROCEEDINGS IN THE CASE OF ROBERT MORETON,  
CUSTOMERS OFFICER, MAY-JULY, 1773

[SEE INTRODUCTION P. xl]

(1)

## COUNCIL PROCEEDINGS, MAY 6, 1773

At a Council held the 6<sup>th</sup> of May 1773. His Excellency was pleased to Acquaint this Board, that he had Received information from the Honble G. Steuart Esquire Judge of the Court of Admiralty of this Province relative to a Seizure Made by M<sup>r</sup> Robert

Peter Force  
Transcripts,  
Library of  
Congress

Moreton of Baltimore Town as Custom House Officer appointed by the Hon<sup>ble</sup> the Comm<sup>rs</sup> of Boston, of a Sloop Called the Speedwell then Riding at anchor in Patapsco River Said to be a Square Stern vessel and belonging to New England, that a Libel was filed against the Said Sloop, in consequence whereof his Honour the Judge issued his Warrant to William Nevin Marshall of the Said Court to take possession of the Said vessel, but that before the Said William Nevin could get to Baltimore the Said Sloop was carried off. His Excellency was therefore pleased to request the advise of this Board in the above Matter.

Whereupon William Nevin was Called and appeared before this Honourable Board, who being first duly Sworn—Deposeth and Said, that on Monday the third instant he went up to Baltimore Town with a warrant to take into his possession the Sloop Speedwell Said to be a Square Stern vessel Seized by Robert Moreton and Libelled in the Admiralty Court of this Province, that after his arrival in Baltimore he made immediate and diligent Search for the Said vessel, but could not find her, and that he was informed She left Baltimore, the day before that the Said William Nevins Called at the house of M<sup>r</sup> Robert Moreton Several times but Could not find him at home nor get any intelligence where he was, except that he received a Note from Said Moreton directing him, Should he be wanted to apply at the Custom House at Philadelphia, which Note the Said William Nevin exhibited to this Board.

On Consideration of the premises His Excellency with the advice of this Board was pleased to order that a Copy of the following Letter be Sent to the Several Collectors of his Majestys Customs with in this province.

(and which is as followeth.) Viz.<sup>t</sup>

Sirs,

I am directed by his Excellency the Governor, with the advice of the Council to acquaint the Several Collectors of his Majestys Customs within this province that M<sup>r</sup> Robert Moreton an officer appointed by the Hon<sup>ble</sup> the Comm<sup>rs</sup> of Boston, hath lately filed a libel in the Admiralty Court here against a Sloop then riding at Anchor in Patapsco River Called the Speedwell Said to be a Square Sterned vessel and to belong to New England, but before the Marshall of the Court could get up to Baltimore in order to take the vessel into his possession She was carried off.

His Excellency therefore desires you will not on any account clear out the Said Sloop Should application be made to you for that purpose but take the first opportunity of Seizing her that may offer and acquaint the Hon<sup>ble</sup> G. Steuart Esq.<sup>r</sup> Judge of the Admiralty Court of this province immediately therewith—

I am &c:

(The following endorsement appears on the back of the foregoing Letter) Viz.<sup>t</sup>

"On the 27.<sup>th</sup> Apr. Ch.<sup>s</sup> Allen M<sup>r</sup> of the Sloop Speedwell Square Sterned built in New England in 1760 and Registered at Rhode Island 26<sup>th</sup> Nov: 1771—owned by Solomon and Zachariah Allen, Ent<sup>d</sup> at the Custom House in Annapolis, and reported her Cargo to be 1500 Barrels of Salt from Turks Island and Nothing else."

This Board also advised his Excellency to Send a Copy of the following Letter, which he laid before them to the honourable the Commrs at Boston.

(The Letter last Mentioned is not among the file of papers.)

## APPENDIX III

(2)

LETTER FROM ROBERT MORETON TO [GOV. ROBERT EDEN],  
MAY 10, 1773

May it please your Excellency—

Notwithstanding your Letter to M.<sup>r</sup> Plowman the Mob continued so Violent against and still threatning my Life I was under the necessity of making my Escape for Boston—And as I am recognized in the Penalty of fifty pounds to appear against one John Pitts for Shooting M.<sup>r</sup> Ross the Goaler I am apprehensive the Court will take advantage of my Absence and distrain upon my Goods for the Penalty—I am therefore to request that your Excellency will be pleased to intercede with the Court at Baltimore not to take advantage of my Absence as I can make Oath that my Life was in danger if I had not absented myself.

MS Hall of  
Records,  
Black  
Books, VI,  
22. Calen-  
dar Entry,  
1451

Sir, I am with great Respect  
Your Excellency's

Most Obed.<sup>t</sup> Humble Servant

Robert Moreton

Philadelphia 10.<sup>th</sup> May 1773

## APPENDIX III

(3)

EXTRACT OF A LETTER FROM M<sup>r</sup> ROBERT MORETON PREVENTIVE  
OFFICER AT BALTIMORE IN MARYLAND TO THE COMMISSIONERS  
OF THE CUSTOMS AT BOSTON DATED THE 28.<sup>TH</sup> MAY 1773

"In the Morning of the 26.<sup>th</sup> Ultimo, I boarded the Sloop Speedwell from Turks Island, belonging to Zachariah and Soloman Allen of Rhode Island, Charles Allen Master (she not being Entered) I searched her and then returned home, and in the Evening, being apprehensive she might have Prohibited Goods concealed under the

MS Gilmer  
Papers, Vol.  
III, 98. Md.  
Hist. Soc.

Salt, I boarded her again, when I found she had unladen part of her Cargo into a Schow and a smaller Schooner which were then along side her, the Schooner having several Casks of Claret on her Deck, I immediately enquired whether the Captain of the Speedwell was on board, I was answered yes, and immediately Captain Parker was called upon Deck, I asked him how he came to break bulk before Entry notwithstanding my Directions to the contrary when I was on Board in the Morning and told him he had forfeited the Vessel & Cargo, which he acknowledged, and said he should not have acted in the manner he had done, but have paid all proper respect, had not M.<sup>r</sup> Purviance (to whom the Vessel & Cargo was consigned) desired him to act in defiance of me, whereupon I made Seizure of her, but a number of People coming oft in Boats from the Shore, I was obliged to leave her, without any person to take charge of her, as the Men I had with me did not choose to risk their Lives as I did not employ them constantly—On the 28.<sup>th</sup> (the 27.<sup>th</sup> being a very stormy day) I hired a Sailing Boat and Men to take me to Annapolis to file a Libel against the Sloop Speedwell and Cargo, and upon my Arrival, I waited upon M.<sup>r</sup> Calvert and the Attorney General for that purpose and accordingly a Libel was filed against the said Sloop.”

“On the return of the Boat on the 30.<sup>th</sup> a great number of Merchants and Masters of Vessels came down to the Boat with Clubs and Staves with intention to kill me, if I had been in her, and on that Night Tarred and feathered two Men, who used occasionally to attend me in the Boat, and brought them to my Door with lights in their hands and made them damn all Custom House Officers, and at the same time the Mob broke my Door down broke the Windows and forced M.<sup>rs</sup> Moreton to light them all over the House and Cellar to see if they could find me, and Searched every House for me upon the Point (their faces being black'd and disguised in Sailors Jackets and Trousers, though most of them were the Principal Merchants in Baltimore and Fells Point) when they could not find me, they beat a Drum and played a Fife up to Town, beating the Men all the way there, and pumped upon one John Simmons and kept him out about eight hours till he was almost dead, the other they made fast to the stern of a Boat and towed him along till he was nearly drowned (One of whom I am informed is since dead)—On Friday the 30.<sup>th</sup> April M.<sup>rs</sup> Moreton dispatched a Letter to me by a Messenger to Annapolis of which N.<sup>o</sup> 1 is an Extract—Upon the Receipt thereof in the Evening of the same day I waited upon the Governor, acquainting him therewith, and praying his Protection and Support, who gave me a Letter addressed to M.<sup>r</sup> Plowman a Merchant and a Justice of the Peace at Baltimore—I also on the first Instant made application by Letter to the Justices of the Supreme Court at Annapolis for to grant me a Writ of



Assistants, of which N.<sup>o</sup> 2 is a true Copy, upon which M.<sup>r</sup> Justice Lee informed me that as there were only two Justices on the bench, they did not choose at that time to grant a Writ, but he was inclined to believe, that General Writs of Assistants would be granted at the next Court, agreeable to the form transmitted by your Honors Solicitor."

"Sometime after the Court was over, M.<sup>rs</sup> Moreton dispatched another Messenger to me at Annapolis, to desire I would make my escape for Boston immediately, for advertisements were dispersed and a reward of 100 Dollars was offer'd for taking me, and that a Mob of People had been searching for me, that they were going to burn the House down, when she and the Children were in Bed, but a Gentleman saying it was a pity to hurt her & the innocent Children, they did not put their Intentions into practice and on the Night of the 1.<sup>st</sup> of May Instant when the Mob beset the House again, a Man speaking in M.<sup>rs</sup> Moreton's behalf the Mob took him, tarred and feathered him and dragged him through the Water."

"On Sunday the 2.<sup>d</sup> Instant I set oft from Annapolis to Baltimore and got home about 2 OClock in the Morning, and as Watches had been about the House all that Night and the People saying they were determined to have my Life, M.<sup>rs</sup> Moreton could not rest till I went oft to the House of ———— when I got there, I desired him to let his Servant go to Town for some necessaries I wanted, and when he got there saw about a hundred Merchants seeking for me at my House, M.<sup>rs</sup> Moreton thereupon without sending the things I wanted, sent me word to make my escape or I should be taken and some time afterwards he was overtaken by a number of Armed Men who asked him if he had seen me and other Questions which will not be prudent in me to relate as they may probably discover the person and be a means of perhaps losing his Life,—I immediately went across a Creek of Water and went through the Woods to the House of ———— where I was concealed by his friendship for a Week, during which space he went twice to Town to enquire whether it might be safe for me to return to my Duty, but from the Enquiry he made, and the Letters I received from home of which N.<sup>o</sup> 3 & 4 are Extracts I found if I returned, my Life would be in Eminent danger M.<sup>r</sup> ———— having also received the Letter N.<sup>o</sup> 5 from a friend of his near where I was concealed intimating the danger which might ensue to himself in permitting me to be concealed at his House I therefore judged it most prudent to sett oft immediately for Boston to state the Matters to your Honors, and as it was dangerous for me to go the publick road a reward being offered for apprehending me. M.<sup>r</sup> ———— &c took me 16 Miles by Water, and set me on the Eastern Shore from whence I travelled to Newcastle on Delaware where I got a passage to Philadelphia and from thence proceeded to Boston."

N<sup>o</sup> 1

Extract of a Letter from M<sup>rs</sup> Moreton dated 30.<sup>th</sup> April 1773

“——— tells me that all the People conspire to kill you, if you come either by Land or by Water, they have set watches for you both ways, and prepared Rum to Smuther you in, and Cow Skins to beat you with, so the Lord only knows what must become of us, I fear greatly I never shall see you more”

N<sup>o</sup> 2.

COPY

Gentlemen

As many Threats have been made use of by the People of Baltimore Town and Fells Point, not only against my Person, but against my House on Account of my having Executed my Duty as an Officer of the Revenue—I am to request that your Honors will be pleased to grant me a Writ of Assistants

I am with great Respect Y.<sup>r</sup>

Annapolis 1.<sup>st</sup> May 1773

Signed Robert Moreton

The Honorable the Justices of the Supreme Court at Annapolis

N<sup>o</sup> 3.

Extract of a Letter from M<sup>rs</sup> Moreton dated 4<sup>th</sup> May 1773

“I am almost worn out with Grief, these wicked People have frightened me so, I believe they have Searched the House for you, five or six times, they came up Stairs yesterday to look for you, before I could get my Cloaths on, I looked out of the Window, and there was a Crowd at the Door of about sixty People, as if they had been after a Murderer, I asked for M.<sup>r</sup> Plowman and they sent him to me, I gave him the Letter (meaning the Letter the Governor wrote) and he went to the Coffee House to read it, and afterwards brought a great number of them up to me, to tell me you might come home again, but they still keep looking for you, and coming to search whenever they please, and I am never out of fear of my Life, and when the Marshal came, they made him come here with them to see if he could find out where you was, and as they were going away, he said I have done all I can to find him, for they Threatened to Tar and feather him. As for ——— he expects to be Tarred & feathered to Night for ever speaking to you”

N<sup>o</sup> 4

Extract of a Letter from M.<sup>rs</sup> Moreton dated 7<sup>th</sup> May 1773

“I am frightened when any person comes into the House, for if any of the Gang saw them, they would abuse them, they lay all

the Snares they can to kill you, they are for ever sending some person or other to try if they can find out where you are, William (one of the Men who used to go with me in the Boat) came here after he had been taken, I asked him, what they made him swear about you, he told them you was gone oft for Boston that Morning (being Monday the 3.<sup>d</sup> Instant). Oh, says Isaac Grice, Damn the Scoundrel, let us get two of the Strongest Horses in Maryland and send after him, hang him on the first Tree we come near and after Quarter him, William says he has got all the Merchants Names down, they have made the sadest piece of work with ——— you ever knew, & as for your coming here in the Night, I would not have you for ten thousand Worlds, for they set watches for you for ever”

Nº 5.

Extract of a Letter from ——— Planter to ——— Planter—  
Dated 7<sup>th</sup> May 1773.

“I take this Opportunity to inform you, that if the Officer is still at your House that *Eye* am afraid you both are in danger. *Eye* am informed that there is a reward of a hundred Dollars for the discovery of him, and it was hinted in my House this Morning, that they wishd that some body *El*s did not suffer as well as he, there has been some remarks made from meeting you and ——— with a spare Creature I should think that he might be *safter* concealed in a *Wods* then in a House, should he be found in a House I suppose the Devils would pull it down.”

#### APPENDIX III

(4)

EXTRACT OF A LETTER FROM THE COLLECTOR & DEPUTY COM-  
TROLLER OF THE CUSTOMS AT THE PORT OF PATUXENT TO THE  
COMMISSIONERS [OF CUSTOMS AT BOSTON?] DATED  
ANNAPOLIS 10.<sup>TH</sup> JUNE 1773

“We are now to inform your Honors that on the 26.<sup>th</sup> day of April last the sloop Speedwell Charles Allen Master from Turks Island with salt only passed by here and arrived at Baltimore, where the Master immediately took horse and came here to make his Entry, after his Departure upon that Business M.<sup>r</sup> Moreton boarded & examined the Vessel and finding nothing on board but salt, acquainted the Mate of the Vessel, that as Salt was scarce & much wanted, in case any person should apply for any that he might sell and deliver any quantity not exceeding three or four Hundred Bushels, in consequence of this permission and a pressing application for two hundred Bushels for the use of the Fishery up the Bay, the Owner and Mate undertook on the evening of the same day to proceed to the delivery of salt, when they were employed in that

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Business, M.<sup>r</sup> Moreton went on board again, and finding them thus employed informed them that they had broke bulk before entry, and that therefore the Vessel & Cargo were liable to be seized, but without saying more, or doing any act to evince his Intention he went off, and came down here where he libelled her, obtained a Warrant for the Marshall from the Court to take possession of her, and we are informed accompanied the Marshall from hence on that Business, but parted with him before he got to Baltimore, upon the Marshall's inquiring after the Vessel he was told She was gone to the Fishery at the head of the Bay to dispose of the salt he thereupon returned home, and M.<sup>r</sup> Moreton hav[e] not been heard off since: Upon the Vessel's landing the salt at the head of the Bay she was brought down here, the day for her trial appointed, and M.<sup>r</sup> Moreton sought after as far as Philadelphia to no purpose, upon that's being the case we went into the Trial on the 1.<sup>st</sup> instant, and the Judge after hearing the evidence and the Council for and against her, Condemned the Vessel, her Tackle, apparel and Furniture for having broke Bulk before Entry, and accordingly she was appraised and sold for forty six Pounds Sterling.—M.<sup>r</sup> Moreton's behaviour upon this occasion has been severely considered as being too much *Satan* like, in first giving leave to land, & afterward taking advantage of that step, of which he was the only cause, to the distruction of the Vessel to the owners. The Governor looks upon the Condemnation as brought about so unfairly by Moretons means that he relinquishes his third of the Seizure to the Crown, & the Judge, the attorney General, the advocate for the Claimant & the other Officers of the Court has in imitation of his worthy example relinquished their Fees to the Owner also: May we therefore presume to recommend the hardship of this Condemnation to Your Honors consideration, and hope that you will be pleased to view it in that Limitive Light which we feell much better than we can describe; and that if you incline to favour the Owner by relinquishing in behalf of the Crown you will be pleased to signify the same by the first convenient opportunity."

## APPENDIX III

(5)

COMMISSIONERS OF CUSTOMS AT BOSTON TO GOV. ROBERT EDEN,

JULY 6, 1773

Sir

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Our Officer M.<sup>r</sup> Moreton whom we had Stationed at Baltimore in your Province for the Service of His Majesty's Revenue having complained to us that he has been obstructed in the Execution of his Duty, and under a necessity of quitting his Port by the Threats of the people against him on Account of a Seizure he made at that place of a Vessel called the Speedwell, for breach of the acts of Trade, and having received a Letter from our Officers at Annapolis



acquainting us that the Sloop Speedwell has been condemned in the Court of Vice Admiralty, and representing that the said Seizure and Condemnation was looked upon to have been unfairly brought about, by M<sup>r</sup> Moreton's means, We called upon M<sup>r</sup> Moreton to make answer thereto, and we beg leave to lay before Your Honor a copy of M<sup>r</sup> Moreton's Representation, together with an Extract of the above mentioned Letter from our Officers at Annapolis and M<sup>r</sup> Moreton's answer thereto,—M<sup>r</sup> Moreton has our directions to attend your Honor to give his account of the matter, and if from a perusal of these papers, & what other information you may receive, you should be led to form a different opinion of M<sup>r</sup> Moreton's conduct, than what is represented in the Collector & Comptroller's Letter, we hope your Honor will be pleased to give him your Protection in the execution of his dutys.—We have directed M<sup>r</sup> Wootton one of our Inspectors General, to proceed to Annapolis to make enquiry, & report to us on this matter, & he has our directions to wait upon you with this Letter—And we take leave to recommend him to your Honor's Countenance in the execution of his Duty.

We are  
Sir

Custom House Boston.

6.<sup>th</sup> July 1773.

Your Honors  
Most obedient humble Servants.

W.<sup>m</sup> Burch  
Hen. Hulton.  
Chas Faxton[?]

The Honorable Rob<sup>t</sup> Eden Esq<sup>r</sup> Governor of Maryland

#### APPENDIX III

(6)

##### DEPOSITION OF JOHN McMACHAN, MAY 10, 1773

The Deposition of John M.<sup>c</sup>Machan Aged 31 Yrs or there about being Sworn deposeth & saith, That he is an Assistant to M<sup>r</sup> Robert Morton Inspector of the King's Cumstons, in the district of Baltimore Town, That upon the information of one M Lewin on or about the 25 of April last of the Arrival of the Sloop Speedwell, Charles Allen Commander from Turks-Island Mr. Morton & this Deponant went on Board of the said Sloop, and found her Cargoes to Consist of Salt, that upon enquiring for the Capt.<sup>n</sup> they were informed he was not on Board—that this Deponant then enquired whether they Stopt at Patuxent or Annapolis, the Mate enformed them the said Morton & this Deponant that the Vessel had not Stopt at either of those ports, Mr. Morton then requested that the Mate would desire the Capt.<sup>n</sup> to come to his the said Mortons House and bring the Papers of the said vessell with him, That M<sup>r</sup> Morton & this Deponant waited at M<sup>r</sup> Mortons House the whole Day and finding that the said Captain did not come, they went on Board of the said Ves-

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sel after Sun sett, found she had broke Bulk and was then discharging her Cargoe, that then enquiring if the Captain was on Board was informed he was, but when as this Deponant believes the Capt.<sup>n</sup> understood the Kings' Officer was on Board no Person then would confess himself to be Capt.<sup>n</sup>, but a Person whom this Deponant believed to be the Capt.<sup>n</sup> invited M<sup>r</sup> Morton and this Deponant into the Cabbin and upon M<sup>r</sup> Mortons Asking him how he came to break Bulk without making an Entry, said he was not then Capt. but had been a Master of a Vessel for 17 or 18 yrs, and that he knew his Duty & was always willing to pay his Respects to a Custom House Officer, M<sup>r</sup> Morton then Asked him if he did not know that his Sloop and Cargoe was forfeited by breaking Bulk without an Entry—he confessed it was so, M<sup>r</sup> Morton then Asked how he could do so he said that M<sup>r</sup> Purlviance (to whom the Sloop was Consigned) Ordered the Small Craft alongside, and desired him to Break Bulk and pay no Regard to any King's Officer whatever, M<sup>r</sup> Morten then desired that the Capt should come to him the next Morning and the Person whom this Deponant verily believes to be Capt.<sup>n</sup> said he should—but he did not come—that M<sup>r</sup> Morton the Day following sett off for Anna[polis].—That on or about the 30.<sup>th</sup> of April an advertisement Appeared in Consequence of a Seizure made on the Sloop afsd intimating that a Reward of one hundred Dollars would be given for Apprehending this Deponant—that this Deponant Apprehending every means would be taken in order to Punish him for merely doing his Duty in the Capacity afsd, and fearing his Life was in danger from a lawless Mob—was Compelled to fly from his Home and take Shelter in the woods adjoining Balt. Town—That a certain Henry Thompson, went to one Ja.<sup>s</sup> Morgans House to enquire after this Deponant & then declared that if he could find him this Deponant his Life Should be taken from him, if there was not another Man in America, that M<sup>r</sup> Morgan then gave this Deponant Intelligence of his Danger, and requested he would keep out of the way—that during the time of this Deponants being in the Woods he heard three 3 Guns Fired on Board of Thompson's Brig, and which he understood to be the Signal for the Mob to Rise—that Capt. Tho.<sup>s</sup> Elliott and many others not known to this Deponant was then in the woods in Pursuit of him, and that he verily believes if they had found him this Deponant his Life would have been taken from him & further saith not.

John McMechan [*sic*]

The foregoing Deposition sworn to this tenth Day of May 1773 before Us the Subscribers two of the Right Honourable the Lord Proprietary of the Province of Maryland his Justices of the Peace for Ann Arundel County.

R Ghiselin  
W<sup>m</sup> Steuart

## APPENDIX III

(7)

## DEPOSITION OF JAMES GADDES, MAY 10, 1773

The Deposition of James Gaddes Aged 31 Years or thereabouts being sworn deposeth and saith, That upon a Supposition of his being the informer, in Consequence of which a Seizure was made on the Sloop Speedwell, Charles Allen Commander—a certain George M.<sup>c</sup>Call & many others broke open this deponants House and Daniel Shanibrooke, and M.<sup>r</sup> Middleton (a Store keeper under M.<sup>r</sup> Thompson) Seized him and tore from off his Back this Deponant's Cloaths, Tar'd and feather'd him, and a certain James Smith (son of W.<sup>m</sup>) threatned to Murder him, if this Deponant should attempt to mention any of their names, tho' at the same time they were all disguised, That Mordecai Gist, Capt. Button[?], Samuel Owens, Nathaniel Smith, Dominick Ireland, Capt. John Jones, Isaac Grist, M.<sup>r</sup> Hollingsworth and many others, then drove this Deponant before them thro' Baltimore Town, in a Cruel and Barbarous Manner, and Compelled him this Deponant to Swear "*Damnation to all Informers or Informers Mates*" and threatened to Hang him if he Attempted to make any Resistance—That they the afsd Persons obliged this Deponant to knele known [sic] under the Gallows and beg his Life, and then beat and Abused him a Cruel and most Inhuman Manner—That they then carried this Deponant to Thomas Jones Esq.<sup>r</sup> Pump, and pumpt water on him still continuing to Beat and Abuse him put a Bible into his Hand and wanted him to Swear that he should leave his Wife and Family in three Days from that Time—and upon this Deponants refusing to do so, they then asked if he had given the information to the Custom House Officer relative to a Brig that was Supposed to have some Contraband goods, that this Deponant declared he had not, they then made him swear to that effect on the Holy Evangel, and bid him run Home—That the Day following the afsd Persons came to his House while he lay Sick in his Bed (occasioned from the Beating and Bruises as afsd) and ord.<sup>d</sup> him to go to Capt. Elliotts Coffee-House in Fells Point, where he this Deponant went, and was told by Jan[?] Venbeber a Justice of the Peace for Balt City, Nath.<sup>l</sup> Smith & many others (whose names he cannot recollect) that if he this Deponant did not leave Baltimore Town by the Saturday week following, they would either hang or burn him & further saith not—

James Gaddes

The foregoing Deposition sworn to this tenth Day of May 1773 before Us the Subscribers two of the Right Honourable the Lord Proprietary of the Province of Maryland his Justices of the Peace for Ann Arundel County.

R Ghiselin  
W<sup>m</sup> Steuart

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